

amendment—which beyond the guaranteed access to prescription contraceptives provides information about emergency contraceptives for women and doctors, access to emergency contraceptives for sexual assault victims and finally, access to health care for pregnant uninsured women—we will bear the burden of putting women's lives and health at risk by substituting the judgement of politicians for the judgement of medical doctors. And that just isn't right.

The bottom line is, women should have control over their reproductive health—whether it be through access to contraceptives, access to health care when they are pregnant or through preserving the right to choose which should include the right to terminate a pregnancy post-viability if a doctor determines that continuance of the pregnancy would result in a grievous injury to the woman's physical health.

After all, allowing women to decide what is in their best interests serves not only the woman's overall health, but their children's and their future children's health. This goal will be furthered by the amendment offered by Senator MURRAY and other amendments expected to be offered later this week by others which will ensure that we are following the guidelines laid out for us in the landmark *Roe v. Wade* decision ensuring that a woman's physical health is paramount in these decisions.

In the meantime, I urge my colleagues to join us in supporting this important amendment.

EXECUTIVE SESSION

NOMINATION OF WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of William D. Quarles, Jr., of Maryland, to be U.S. District Judge for the District of Maryland.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William D. Quarles, Jr., of Maryland, to be U.S. District Judge for the District of Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. FRIST. I announce that the Senator from Missouri (Mr. BOND), the

Senator from New Mexico (Mr. DOMENICI), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—91

Akaka	Dorgan	Lugar
Alexander	Durbin	McCain
Allard	Ensign	Mikulski
Allen	Enzi	Miller
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Boxer	Graham (FL)	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Kohl
Collins	Kyl	Stabenow
Cornyn	Landrieu	Stevens
Corzine	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Voinovich
DeWine	Lincoln	Warner
Dodd	Lott	Wyden
Dole		

NOT VOTING—9

Biden	Daschle	Kerry
Bond	Domenici	McConnell
Conrad	Edwards	Nickles

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Continued

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 36, 52, AND 54

Mr. SANTORUM. Mr. President, as in executive session, I ask unanimous consent that on Thursday, following the cloture vote with respect to the Estrada nomination, regardless of the outcome, the Senate proceed to the consideration of Executive Calendar No. 36, Jay S. Bybee, to be U.S. Circuit Judge for the Ninth Circuit; provided further that there be 6 hours for debate equally divided in the usual form, and that following the use or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination. I further ask consent that immediately following the vote, the Senate immediately proceed to a vote on the confirmation of Executive Calendar No. 52, the nomination of William Steele, to be U.S. District Judge for the Southern District of Alabama, to be immediately followed by a vote on the confirmation of Executive Calendar No. 54, the nomination of J. Daniel Breen to be U.S. District Judge for the Western District of Tennessee; provided further that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session, with all the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic whip.

COMPLETING ACTION ON S. 3

Mr. REID. Mr. President, if everyone uses all the time, tomorrow will be a long day. We do not know how much time everyone will use, but at least we have completed this very difficult legislation today. We have a circuit judge the leader has been asking for, and we have two more district court judges. So I think we have accomplished quite a bit this week.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Nevada. Through this entire week, he has been working with this side in good faith to move forward this legislation. He did an outstanding job, in my opinion, in helping us proceed through this process. I want to thank him for the excellent work and for his willingness to move at times this heated and controversial discussion on the bill to this process where we are now poised to pass this legislation tomorrow morning. Hopefully, it will pass by a very strong vote, and we will get the bill into conference and get it back. I think the House will bring this up in a

couple of weeks and then possibly even get this bill back to the Senate within the month. So we are well on our way.

I want to thank all Members for their cooperation, for their willingness to offer amendments, and to come to the floor and debate it. Obviously, we have had a spirited debate, but one that has not just provided some heat but also hopefully provided a great deal of light as to the relative positions of the Senators on either side of this issue, and even the broader issue of abortion in general.

Mr. REID. Will the Senator yield?

Mr. SANTORUM. Yes.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have said this a couple of times during the past few weeks, and I want to say this again. The leader could have come and filed cloture on this legislation very quickly, but he has obviously made a decision the Senate works best when people are allowed to offer amendments and speak their piece. There is no better example of that than this controversial legislation. All the amendments offered were on our side, and I think it speaks well of the direction that the Senate is going. We still have some obstacles we have to get over, but I again state that the pattern set by the majority leader in allowing debate to take place is good for this body, and I think the debate has been healthy. It has been very adversarial. That is what the Senate is supposed to be. There has been very heated debate on this issue. I think the Senate is better for this.

This issue has been aired. There were procedural efforts made to take it back to committee, and there was a lot of good debate. Again, I direct this to the majority leader—and I speak on behalf of Senator DASCHLE and the rest of the minority—we appreciate allowing us to act as the Senate should act.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I do not want to go without praising my own majority leader also. He obviously set the tone for this debate not only by structuring the way by which this debate proceeded, but very importantly in coming to the floor and laying out, in very strong arguments, the case against this procedure from a perspective that is unique in the Senate, which is the perspective of a physician.

I am going to have a few more things to say in a few minutes, but before I do that, I thank my incredible staff for helping me through this process, Heather MacLean and Wayne Palmer. Heather and Wayne were terrific in preparing for this debate. There was an obvious range on a wide variety of things, things, frankly, we did not even anticipate. They did an outstanding job in preparation, and an outstanding job in getting information to make me look good, which, I am sure many Senators will confirm, is not the easiest thing in the world to do.

I thank them both very much for their excellent assistance. I am not

surprised, by any stretch of the imagination, regarding their incredible work, but I am very grateful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 26, 2001 in Las Cruces, NM. A gay New Mexico State University student was beaten by two fellow students. Prior to the beating, the two attackers asked the victim if he was gay. According to police, a friend of the victim was followed that same night by three other men who asked him several times if he was also gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WINNING THE PEACE IN IRAQ

Mr. KENNEDY. Mr. President, as President Bush prepares for war with Iraq, the administration also must prepare to win the peace.

While I have grave reservations about this administration's rush to war with Iraq, we all hope that if the President goes forward, the war will be quick and our troops will be safe.

But we must also recognize that once war is launched, American obligations in Iraq are only just beginning. The instant we occupy Iraq, we become responsible for the security, care, and feeding of its people—even the education of its children. Years of reconstruction and assistance to the Iraqi people will be necessary to bring Iraq to independence into the family of nations. And we can expect an American

presence in that country for months and even years to come.

This is an enormous enterprise and an extraordinary obligation. But to win the peace in Iraq, we must get it right.

Today the Council on Foreign Relations issued a report on how this might be accomplished. The experts who contributed to this thoughtful report bring years of experience in addressing post-conflict reconstruction issues in both Republican and Democratic administrations.

The task force that developed this report was chaired by former Ambassador Thomas Pickering and former Defense Secretary James Schlesinger. And the project director is Eric Schwartz, who served in the Clinton White House as a senior official in the National Security Council.

The administration and Congress would do well to heed their recommendations. And I ask unanimous consent that the executive summary of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAQ: THE DAY AFTER

REPORT OF AN INDEPENDENT TASK FORCE ON POST-CONFLICT IRAQ

Sponsored by the Council on Foreign Relations, Thomas R. Pickering and James R. Schlesinger, Co-Chairs, and Eric P. Schwartz, Project Director

EXECUTIVE SUMMARY

If the United States goes to war and removes the regime of Saddam Hussein, American interests will demand an extraordinary commitment of U.S. financial and personnel resources to post-conflict transitional assistance and reconstruction. These interests include eliminating Iraqi weapons of mass destruction (WMD); ending Iraqi contacts, whether limited or extensive, with international terrorist organizations; ensuring that a post-transition Iraqi government can maintain the country's territorial integrity and independence while contributing to regional stability; and offering the people of Iraq a future in which they have a meaningful voice in the vital decisions that impact their lives.

But U.S. officials have yet to fully describe to Congress and the American people the magnitude of the resources that will be required to meet post-conflict needs. Nor have they outlined in detail their perspectives on the structure of post-conflict governance. The Task Force believes that these issues require immediate attention, and encourages the administration to take action in four key areas:

Key Recommendation #1: An American political commitment to the future of Iraq: The president should build on his recent statements in support of U.S. engagement in Iraq by making clear to Congress, the American people, and the people of Iraq that the United States will stay the course. He should announce a multibillion dollar, multiyear post-conflict reconstruction program and seek formal congressional endorsement. By announcing such a program, the president would give Iraqis confidence that the United States are committed to contribute meaningfully to the development of Iraq and would enable U.S. government agencies to plan more effectively for long-term U.S. involvement.

The scale of American resources that will be required could amount to some \$20 billion