

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9099–S9154

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2792–2796, and S. Con. Res. 136. **Page S9130**

Homeland Security Appropriations: Senate resumed consideration of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, taking action on the following amendments proposed thereto: **Pages S9108–20**

Adopted:

Murray Amendment No. 3621, to set aside an amount for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel. **Page S9117**

Reid (for Feingold) Amendment No. 3585, to require the development of a transportation security plan. **Pages S9119–20**

Reid (for Feingold) Amendment No. 3602, to require the Secretary of Homeland Security to report to Congress on goods purchased by the Department of Homeland Security that were manufactured outside of the United States. **Pages S9119–20**

Reid (for Levin) Amendment No. 3620, to clarify the prohibition on contracting with foreign incorporated entities. **Pages S9119–20**

Rejected:

Schumer Further Modified Amendment No. 3615, to appropriate \$70,000,000 to support efforts for identification and tracking for shipments of hazardous materials and continue and expand upon the background check system for commercial driver licenses with a HAZMAT endorsement, and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management. (By 55 yeas to 34 nays (Vote No. 173), Senate tabled the amendment.) **Pages S9108, S9112, S9113–16**

Withdrawn:

Nelson (NE) Amendment No. 3625, to maintain the State Homeland Security Grant Program at the fiscal year 2004 funding level. **Page S9110**

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross. **Page S9108**

Corzine Amendment No. 3619, to appropriate an additional \$100,000,000 to enhance the security of chemical plants. **Page S9108**

Mikulski Amendment No. 3624, to increase the amount appropriated for firefighter assistance grants. **Pages S9108–10**

Kennedy Amendment No. 3626, to require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community. **Pages S9110–12**

Dayton Amendment No. 3629, to ensure the continuation of benefits for certain individuals providing security services for Federal buildings. **Pages S9117–19**

During consideration of this measure today, the Senate also took the following action:

By 38 yeas to 50 nays (Vote No. 174), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reid (for Lautenberg) Amendment No. 3617, to ensure that the Coast Guard has sufficient resources for its traditional core missions. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S9108, S9116–17**

Cochran (for Frist) Amendment No. 3618, to make available to the Department of Homeland Security additional funds for certain customs and border protection, immigration, transportation security, and emergency management programs, previously agreed to on Friday, September 10, 2004, was modified by unanimous consent. **Page S9119**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m., on Tuesday, September 14, 2004. **Page S9144**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Second Protocol Amending Tax Convention with Barbados (Treaty Doc. No. 108–26).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S9144**

Appointments:

United States Commission on International Religious Freedom: The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appointed the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2004–May 14, 2006). **Page S9144**

Nominations Received: Senate received the following nominations:

Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

John E. Sununu, of New Hampshire, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Routine lists in the Air Force, Army, Coast Guard, Department of State, and Navy.

Pages S9145–54

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Robert Jepson, of Georgia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008, which was sent to the Senate on December 9, 2003. **Page S9154**

Executive Communications: **Pages S9127–30**

Additional Cosponsors: **Pages S9130–31**

Statements on Introduced Bills/Resolutions: **Pages S9131–42**

Additional Statements: **Pages S9126–27**

Amendments Submitted: **Pages S9142–43**

Notices of Hearings/Meetings: **Pages S9143–44**

Authority for Committees to Meet: **Page S9144**

Privilege of the Floor: **Page S9144**

Record Votes: Two record votes were taken today. (Total—174) **Pages S9116, S9117**

Adjournment: Senate convened at 2 p.m., and adjourned at 7:04 p.m., until 9:45 a.m., on Tuesday, September 14, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S9144–45.)

Committee Meetings

(Committees not listed did not meet)

INTELLIGENCE REFORM

Committee on Governmental Affairs: Committee concluded a hearing to examine ensuring the U.S. intelligence community supports homeland defense and departmental needs, focusing on intelligence and information sharing, building international partnerships, border and transportation security, civil liberties and privacy issues, and preparedness, after receiving testimony from Colin L. Powell, Secretary of State; and Tom Ridge, Secretary of Homeland Security.

TOOLS TO FIGHT TERRORISM ACT

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine the provisions of S. 2679, to strengthen anti-terrorism investigative tools, promote information sharing, and punish terrorist offenses (pending on Senate Calendar), after receiving testimony from Daniel J. Bryant, Assistant Attorney General, Office of Legal Policy, and Barry Sabin, Chief, Counterterrorism Section, Criminal Division, both of the Department of Justice; and Jonathan Turley, George Washington University Law School, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 7 public bills, H.R. 5063–5069; 1 private bill, H.R. 5070; and 5 resolutions, H. Con. Res. 490 and H. Res. 765, 767–769, were introduced. **Pages H7072–73**

Additional Cosponsors: **Page H7073**

Reports Filed: Reports were filed today as follows:

H.R. 784, to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, amended (H. Rept. 108–675);

H.R. 4470, to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010 (H. Rept. 108–676);

H.R. 4688, to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program (H.Rept. 108–677);

H.R. 4731, to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program (H. Rept. 108–678);

H.R. 1084, to provide liability protection to non-profit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, amended (H. Rept. 108–679);

H.R. 1787, to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies, amended (H. Rept. 108–680);

H.R. 3369, to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices (H. Rept. 108–681);

H.R. 4571, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, amended (H. Rept. 108–682);

H.R. 4658, to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, amended (H. Rept. 108–683); and

H. Res. 766, providing for consideration of H.R. 4571, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability (H. Rept. 108–684). **Page H7072**

Speaker: Read a letter from the Speaker wherein he appointed Representative Cole to act as Speaker Pro Tempore for today. **Page H6999**

Recess: The House recessed at 12:46 p.m. and reconvened at 2 p.m. **Page H7001**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Saluting the life of the late Commander Lloyd "Pete" Bucher": H. Con. Res. 407, saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the USS *Pueblo* (AGER–2) at the time of its capture by North Korea on January 23, 1968; **Pages H7002–03**

Expressing the grave concern of Congress regarding the continuing violations of human rights and civil liberties of the Syrian people: H. Con. Res. 363, amended, expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic, by a $\frac{2}{3}$ yeas-and-nays vote of 342 yeas with none voting "nay" and one voting "present", Roll No. 441; **Pages H7003–06, H7031–32**

Expressing support for freedom in Hong Kong: H. Res. 667, expressing support for freedom in Hong Kong, by a $\frac{2}{3}$ yeas-and-nays vote of 345 yeas with none voting "nay" and one voting "present", Roll No. 442; **Pages H7006–08, H7032–33**

Condemning the terrorist attacks against the Russian Federation that occurred in August and September 2004: H. Res. 760, condemning the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004, by a $\frac{2}{3}$ yeas-and-nays vote of 347 yeas with none voting "nay", Roll No. 443; **Pages H7008–11, H7033–34**

National Archives and Records Administration Efficiency Act of 2003: H.R. 3478, amended, to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration; **Pages H7011–13**

Agreed to amend the title so as to read: to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission. **Page H7013**

Archie Spigner Post Office Building Designation Act: H.R. 4632, to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building"; **Pages H7013–14**

Honoring former President William Jefferson Clinton on the occasion of his 58th birthday: H.

Res. 717, amended, honoring former President William Jefferson Clinton on the occasion of his 58th birthday; **Pages H7014–17**

Thomas E. Creek Department of Veterans Affairs Medical Center Designation Act: H.R. 4836, to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the “Thomas E. Creek Department of Veterans Affairs Medical Center”;

Pages H7017–18

Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic Designation Act: H.R. 1318, to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the “Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic”;

Pages H7018–20

Castillo de San Marcos National Monument Preservation and Education Act: H.R. 2457, amended, to authorize funds for an educational center for the Castillo de San Marcos National Monument;

Pages H7020–21

Authorizing the Secretary of Commerce to make available to the University of Miami property under the jurisdiction of the NOAA for a Marine Life Science Center: H.R. 4027, amended, to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center;

Pages H7021–22

Wilson’s Creek National Battlefield Boundary Adjustment Act of 2004: H.R. 4481, amended, to amend Public Law 86–434 establishing Wilson’s Creek National Battlefield in the State of Missouri to expand the boundaries of the park;

Pages H7022–23

Clarifying the boundaries of the John H. Chafee Coast Barrier Resources System: H.R. 3056, amended, to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P;

Pages H7023–24

Harpers Ferry National Historical Park Boundary Revision Act of 2004: S. 1576, to revise the boundary of Harpers Ferry National Historical Park—clearing the measure for the President;

Pages H7024–25

Amending the Organic Act of Guam: H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam;

Pages H7025–28

Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1858: H.R.

5008, to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004; and

Pages H7028–31

Expressing gratitude to the cities of Boston and New York for their hospitality, planning, and hosting of the 2004 national political conventions: H. Res. 765, expressing gratitude to the cities of Boston, Massachusetts and New York City, New York, for their extraordinary hospitality and successful planning and hosting of the 2004 national political conventions.

Pages H7034–35

Recess: The House recessed at 5:27 p.m. and reconvened at 6:30 p.m.

Page H7031

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to the terrorist attacks on the United States of September 11, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 108–212).

Page H7002

Senate Messages: Messages received from the Senate today appear on pages H7001.

Senate Referrals: S. 1368 was referred to the Committee on Financial Services; S. Con. Res. 127 was held at the desk.

Page H7060

Amendments: Amendments ordered printed pursuant to the rule appears on page H7074.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7031–32, H7032–33, and H7033–34. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:33 p.m.

Committee Meetings

CONSTITUTION RESTORATION ACT OF 2004

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held a hearing on H.R. 3799, Constitution Restoration Act of 2004. Testimony was heard from former Representative William E. Dannemeyer of California; and public witnesses.

LAWSUIT ABUSE REDUCTION ACT OF 2004

Committee on Rules: Granted by voice vote, a modified closed rule on H.R. 4571, Lawsuit Abuse Reduction Act of 2004, providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule

provides that the amendment in the nature of a substitute now printed in the bill shall be considered as adopted. The rule makes in order the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative Turner of Texas or his designee, which shall be considered as read, and which shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rules provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Smith (TX) and Scott (VA).

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 14, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and proposed legislation making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005, 3 p.m., SD–G50.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Fisheries and Coast Guard, to hold hearings to examine S. 2066, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2004, 2005, 2006, 2007, and 2008, 8:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, S. 2723, to designate certain land in the State of Oregon as wilderness, and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, 2:30 p.m., SD–366.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine and discuss legislative and administrative options to address the personnel recommendations of the National Commission on Terrorist Attacks Upon the United States, focusing on improving the presidential appointments process for national security positions, establishing a single agency that conducts security clearance background investigations for U.S. personnel, and providing some additional personnel flexibilities to the Fed-

eral Bureau of Investigation to reflect its increased counterterrorism and intelligence responsibilities, 9:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine maintaining innovation and cost savings relating to hospital group purchasing, 2 p.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence, 10 a.m., SH–216.

Special Committee on Aging: to hold hearings to examine mandatory retirements, 10 a.m., SD–628.

House

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, to consider a motion authorizing the issuance of subpoenas for certain records and testimony in connection with its investigation into the E-rate program, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled “The Ratings Game: Improving Transparency and Competition Among the Credit Rating Agencies,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled “Homeland Security: Monitoring Nuclear Power Plant Security,” 10 a.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled “Lessons Learned from the 2004 Overseas Census Test,” 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on Malaria and Tuberculosis in Africa, 2 p.m., 2200 Rayburn.

Subcommittee on Europe and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on U.S.–European Cooperation on Counterterrorism: Achievements and Challenges, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on Due Process and the NCAA, 9:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, to mark up the following: H.R. 775, Security and Fairness Enhancement for America Act of 2003; H.R. 4306, To amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual’s eligibility for employment; and private relief measures, 4:30 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 305, Kate Mullany National Historic Site; H.R. 2237, 225th Anniversary of the American Revolution Commemoration Act; H.R. 3258, Hibben Center Act; H.R. 4285, To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; H.R. 4667, Tapoco Project Licensing Act of 2004; H.R. 4683, Gullah/Geechee Cultural Heritage Act;

H.R. 4808, To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; H.R. 4817, To facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, Cali-

fornia, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; and H.R. 4887, Cumberland Island Wilderness Boundary Adjustment Act of 2003, 10 a.m., 1334 Longworth.

Select Committee on Homeland Security, hearing entitled "Homeland Security: The 9/11 Commission and the Course Ahead," 2 p.m., 2318 Rayburn.

Next Meeting of the SENATE

9:45 a.m., Tuesday, September 14

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 14

Senate Chamber

Program for Tuesday: After the transaction of morning business for debate only (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 4567, Homeland Security Appropriations.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H.R. 3369—Nonprofit Athletic Organization Protection Act of 2003;

(2) H.R. 1787—Good Samaritan Volunteer Firefighter Assistance Act of 2003; and

(3) H.R. 1084—Volunteer Pilot Organization Protection Act.

Consideration of H.R. 4571—Lawsuit Abuse Reduction Act of 2004 (Subject to a Rule).

Consideration of H.R. 5025—Transportation, Treasury, and Independent Agencies Appropriations Act for Fiscal Year 2005 (Subject to a Rule, Begin Consideration).

Extensions of Remarks, as inserted in this issue

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