

# Daily Digest

## HIGHLIGHTS

The House agreed to the conference report to accompany H.R. 4520, American Jobs Creation Act of 2004.

## Senate

### Chamber Action

*Routine Proceedings, pages S10615–S10762*

**Measures Introduced:** Thirty-three bills and three resolutions were introduced, as follows: S. 2910–2942, and S. Res. 451–453. **Pages S10702–03**

#### Measures Reported:

S. 2550, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with an amendment in the nature of a substitute. (S. Rept. No. 108–386)

S. 518, to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy, with an amendment in the nature of a substitute. (S. Rept. No. 108–387)

S. 2526, to reauthorize the Children's Hospitals Graduate Medical Education Program, with an amendment in the nature of a substitute (S. Rept. No. 108–388)

S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, with an amendment in the nature of a substitute. (S. Rept. No. 108–389)

S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, with an amendment in the nature of a substitute. (S. Rept. No. 108–390)

S. 2940, to amend the Older Americans Act of 1965 to assist States in preventing, detecting, treating, intervening in, and responding to elder abuse, neglect, and exploitation. (S. Rept. No. 108–391)

H.R. 2391, To amend title 35, United States Code, to promote cooperative research involving uni-

versities, the public sector, and private enterprises, with an amendment in the nature of a substitute.

S. 1379, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, with an amendment in the nature of a substitute.

S. 2302, to improve access to physicians in medically underserved areas, with an amendment in the nature of a substitute.

S. 2668, for the relief of Griselda Lopez Negrete.

**Page S10702**

**Intelligence Committee Reorganization:** Senate continued consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, taking action on the following amendments proposed thereto:

**Pages S10620–30, S10631–74**

#### Adopted:

Baucus (for Grassley/Baucus) Amendment No. 3989 (to Amendment No. 3981), to clarify the provisions relating to the jurisdiction of the Department of Homeland Security. **Pages S10621–22**

Chambliss/Kennedy Amendment No. 3994 (to Amendment No. 3981), to clarify the jurisdiction of the Committee on Homeland Security and Governmental Affairs. **Pages S10625, S10629–30, S10631**

Durbin Modified Amendment No. 4036 (to Amendment No. 3981), to modify the provisions relating to the staffing and budget of the select Committee. **Page S10654**

By 54 yeas to 41 nays (Vote No. 202), Hatch (for Leahy) Amendment No. 4037 (to Amendment No. 3981), to retain jurisdiction over the Secret Service in the Committee on the Judiciary. **Pages S10655–60**

Roberts Amendment No. 4019 (to Amendment No. 3981), to clarify staff provisions. **Pages S10660–61**

Roberts Modified Amendment No. 4018 (to Amendment No. 3981), to clarify the nominee referral provisions. **Page S10661**

Rockefeller Modified Amendment No. 4030 (to Amendment No. 3981), to clarify the jurisdiction of the select Committee on Intelligence.

**Pages S10661–62**

McConnell (for Byrd) Amendment No. 3986 (to Amendment No. 3981), to provide that the Subcommittee on Intelligence shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

**Page S10664**

McConnell (for Shelby/Sarbanes) Amendment No. 4038, to retain jurisdiction over the National Flood Insurance Act of 1968, with the Committee on Banking, Housing, and Urban Affairs.

**Page S10664**

Rejected:

By 23 yeas to 74 nays (Vote No. 200), McCain Amendment No. 3999 (to Amendment No. 3981), to strike section 402 and vest intelligence appropriations jurisdiction in the Select Committee on Intelligence.

**Pages S10632–46**

By 33 yeas to 63 nays (Vote No. 201), McCain Amendment No. 4000 (to Amendment No. 3981), to ensure that the Committee has jurisdiction over the Transportation Security Administration.

**Pages S10647–54**

By 36 yeas to 54 nays (Vote No. 203), Biden/Lugar Amendment No. 4021 (to Amendment No. 3981), to provide that the Chairman and Ranking Member of the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

**Pages S10665–69**

Withdrawn:

Bayh Amendment No. 3995 (to Amendment No. 3981), to eliminate sequential referral.

**Pages S10625–29, S10631–32, S10674**

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

**Pages S10620–30, S10631**

Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources.

**Page S10669**

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

Senate adopted and then vitiated the adoption of the Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources.

**Pages S10669–70**

A unanimous-consent agreement was reached providing that other than conforming and technical managers' amendments, the only remaining first-degree amendments be the following which are filed at the desk: Collins, Nickles, Hutchison, Frist, Bingaman-Domenici, and Rockefeller; provided further, that it be in order to file timely second-degree amendments up until 9:15 a.m. on Friday, October 8, 2004.

**Page S10674**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:15 a.m., on Friday, October 8, 2004, with a vote on the motion to invoke cloture on Amendment No. 3981 (listed above).

**Pages S10758–59**

**American Jobs Creation Act—Agreement:** A unanimous-consent agreement was reached providing for consideration of the conference report to accompany H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, at 9 a.m., on Friday, October 8, 2004; and providing for the filing of a cloture motion on the conference report.

**Pages S10758–59**

#### Appointments:

**NATO Parliamentary Assembly:** The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senators Leahy and Feinstein.

**Page S10758**

**Coordinating Council on Juvenile Justice and Delinquency Prevention:** The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, appointed the following individuals to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Steven H. Jones of Tennessee, Bill Gibbons of Tennessee, and Larry K. Brendtro of South Dakota.

**Page S10758**

**Nominations Received:** Senate received the following nominations:

Frederick William Hatfield, of California, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2008.

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

Edward L. Flippen, of Virginia, to be Inspector General, Corporation for National and Community Service.

Routine lists in the Foreign Service, Navy.

Pages S10759–62

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, which was sent to the Senate on April 8, 2004.

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, which was sent to the Senate on April 8, 2004.

1 Air Force nomination in the rank of general.

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**Messages From the House:** Pages S10695–96

**Measures Read First Time:** Page S10696

**Enrolled Bills Presented:** Pages S10696–97

**Petitions and Memorials:** Pages S10697–S10701

**Executive Reports of Committees:** Page S10702

**Additional Cosponsors:** Pages S10703–04

**Statements on Introduced Bills/Resolutions:** Pages S10704–49

**Additional Statements:** Pages S10693–95

**Amendments Submitted:** Pages S10749–58

**Authority for Committees to Meet:** Page S10758

**Privilege of the Floor:** Page S10758

**Record Votes:** Four record votes were taken today. (Total—203) Pages S10646, S10653–54, S10660, S10669

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 11:29 p.m., until 9 a.m., on Friday, October 8, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10759.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Francis J. Harvey, of California, to be Secretary of the Army, and Richard Greco, Jr., of New York, to be an Assistant Sec-

retary of the Navy for Financial Management, and 685 nominations in the Army, Navy, and Air Force.

### BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the following business items:

S. 1379, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, and the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development, with an amendment in the nature of a substitute; and

The nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development.

### AIRLINE INDUSTRY PENSION PLANS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the effect of Federal bankruptcy and pension policy on the financial situation of the airlines, focusing on the airlines' underfunding as an example of possible broader problems with the defined benefit pension system, airlines facing severe competitive pressures, structural flaws in the pension insurance program, and bargaining efforts to reduce pension costs, after receiving testimony from Representative Emanuel; David M. Walker, Comptroller General of the United States, Government Accountability Office; Bradley D. Belt, Executive Director, Pension Benefit Guaranty Corporation; Duane E. Woerth, Air Line Pilots Association, International, Washington, D.C.; and Robert L. Crandall, Irving, Texas.

### BIOSHIELD II

*Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary:* On Wednesday, October 6, Committees concluded a joint hearing to examine an ever-changing threat relating to BioShield II, focusing on incentives for research to develop countermeasures to bio-terror pathogens, and S. 666, to provide incentives to increase research by private sector entities to develop antivirals, antibiotics and other drugs, vaccines, microbicides, detection, and diagnostic technologies to prevent and treat illnesses associated with a biological, chemical, or radiological weapons attack, after receiving testimony from Christine Grant, Aventis Pasteur, Bridgewater, New Jersey; Alan P. Timmins, AVI BioPharma, Inc., Portland, Oregon; Kathleen D. Jaeger, Generic Pharmaceutical Association, Arlington, Virginia; Carlos