

# Daily Digest

## HIGHLIGHTS

Senate and House agreed to the Conference Report to accompany S. 1438, Department of Defense Authorization Act.

Senate agreed to the Conference Report to accompany H.R. 2883, Intelligence Authorization Act.

The House passed H.J. Res. 76, making further continuing appropriations through December 21.

The House agreed to the Conference Report on H.R. 1, No Child Left Behind Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S13079–S13243*

**Measures Introduced:** Fourteen bills and two resolutions were introduced, as follows: S. 1815–1828, S. Res. 191, and S. Con. Res. 93. **Pages S13145–46**

#### Measures Reported:

S. 990, to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, with an amendment in the nature of a substitute. (S. Rept. No. 107–123)

S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households. (S. Rept. No. 107–124)

H.R. 861, to make technical amendments to section 10 of title 9, United States Code.

H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the

original sponsor's classification petition should not be revoked, with an amendment.

H.R. 2048, to require a report on the operations of the State Justice Institute.

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

S.J. Res. 8, designating 2002 as the "Year of the Rose".

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

**Pages S13144–45**

#### Measures Passed:

**Enrollment Correction:** Senate agreed to H. Con. Res. 288, to provide for a technical correction in the enrollment of S. 1438, Department of Defense Authorization. **Page S13113**

**Commending Afghan Interim Administration:** Senate agreed to S. Res. 191, to express the sense of the Senate to commend the inclusion of women in

the Afghan Interim Administration and commending those who met at the historic Afghan Women's Summit for Democracy in Brussels.

Page S13225

*Women's Participation in Afghanistan:* Senate agreed to S. Con. Res. 86, expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan.

Page S13225

*Promoting Safe and Stable Families Amendments:* Senate passed H.R. 2873, to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, clearing the measure for the President.

Pages S13225–26

*Indian Trust Lands:* Committee on Indian Affairs was discharged from further consideration of H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, and the bill was then passed, clearing the measure for the President.

Page S13226

*Honoring the National Guard:* Senate agreed to S. Con. Res. 93, to recognize and honor the National Guard on the occasion of the 365th anniversary of its historic beginning with the founding of the militia of the Massachusetts Bay Colony.

Pages S13226–27

**Federal Farm Bill:** Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, taking action on the following amendments proposed there-to:

Pages S13079–99, S13101–13, S13116–18, S13138–40

Adopted:

By 64 yeas to 31 nays, and 1 responding present (Vote No. 366), Feingold/Grassley/Harkin Amendment No. 2522 (to Amendment No. 2471), to reform certain mandatory arbitration clauses.

Pages S13087–91, S13091–92

By 51 yeas to 46 nays (Vote No. 367), Johnson Amendment No. 2534 (to Amendment No. 2471),

to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Pages S13093–99

Wyden/Brownback Amendment No. 2546 (to Amendment No. 2471), to provide for forest carbon sequestration and carbon trading by farmer-owned cooperatives.

Pages S13116–18

Rejected:

Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers. (By 54 yeas to 43 nays (Vote No. 365), Senate tabled the Amendment)

Pages S13080–87, S13091

Withdrawn:

McCain/Gramm/Kerry Amendment No. 2598 (to the text of the bill proposed to be stricken), to provide for the market name for catfish.

Pages S13110–12, S13138–39

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Pages S13080–99, S13101–13, S13116–18, S13138–40

Smith (NH) Amendment No. 2596 (to Amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba.

Pages S13102–10

Torricelli Amendment No. 2597 (to Amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective.

Pages S13104–10

Daschle motion to reconsider the vote (Vote 368) by which the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above) failed.

Page S13112

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

By 53 yeas to 45 nays (Vote No. 368), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above).

Page S13112

A unanimous-consent agreement was reached providing for the filing of second degree amendments to Daschle (for Harkin) Amendment No. 2471 (listed above), until 11 a.m., on Friday, December 14, 2001.

Pages S13092–93

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, December 14, 2001, that the pending Smith (NH) and Torricelli amendments (listed above) be laid aside, and that Senators Wellstone and McCain be recognized to offer certain amendments. **Page S13139**

**Department of Defense Authorization Act Conference Report:** By 96 yeas to 2 nays (Vote No. 369), Senate agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, clearing the measure for the President.

**Pages S13113, S13118–38**

**Intelligence Authorization Act Conference Report:** By unanimous consent, Senate agreed to the conference report on H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, clearing the measure for the President.

**Page S13113**

**21st Century Montgomery GI Bill Enhancement Act:** Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 1291, to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill, clearing the measure for the President.

**Pages S13227–43**

**Education Reform Conference Report—Agreement:** A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, at 1 p.m., on Monday, December 17, 2001, and on Tuesday, December 18, 2001, with a vote on adoption of the conference report to occur on Tuesday at 11 a.m.

**Page S13093**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. EX. 370), Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

Clay D. Land, of Georgia, to be United States District Judge for the Middle District of Georgia.

**Pages S13099, S13113–16**

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

John Magaw, of Maryland, to be Under Secretary of Transportation for Security for a term of five years. (New Position)

Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

Andrea G. Barthwell, of Illinois, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Nehemiah Flowers, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Arthur Jeffrey Hedden, of Tennessee, to be United States Marshal for the Eastern District of Tennessee, for the term of four years.

David Glenn Jolley, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Michael Wade Roach, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Eric Eugene Robertson, of Washington, to be United States Marshal for the Western District of Washington for the term of four years. **Page S13099**

**Messages From the House:** **Page S13144**

**Executive Reports of Committees:** **Page S13145**

**Additional Cosponsors:** **Page S13146**

**Statements on Introduced Bills/Resolutions:**  
**Pages S13146–56**

**Additional Statements:** **Pages S13143–44**

**Amendments Submitted:** **Pages S13156–S13224**

**Authority for Committees to Meet:**  
**Pages S13224–25**

**Record Votes:** Six record votes were taken today. (Total—370)

**Pages S13091, S13092, S13099, S13112, S13113, S13114**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 9:08 p.m., until 9:30 a.m., on Friday, December 14, 2001. (For Senate's program, see the

remarks of the Acting Majority Leader in today's Record on page S13243.)

## Committee Meetings

(Committees not listed did not meet)

### NUCLEAR WEAPONS

*Committee on Armed Services:* Subcommittee on Strategic concluded open and closed hearings to examine the security of United States nuclear weapons and nuclear weapons facilities, focusing on effective intelligence gathering, system vulnerability assessments, and responsive improvement programs and communication, after receiving testimony from Maj. Gen. Franklin J. Blaisdell, USAF, Director, Nuclear Operations and Counterproliferation Office of the Deputy Chief of Staff for Air and Space Operations; Brig. Gen. Ronald Haeckel, USAF, Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration; Rear Adm. Dennis M. Dwyer, USN, Director, Strategic Systems Programs Office; and Linton Wells II, Principal Deputy Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

### COMMUNITY DEVELOPMENT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings to examine housing and community development needs in America, focusing on providing a mortgage cut rate for National Guardsmen and Reservists called to active duty, relief on FHA insured mortgages for the victims families of the September 11, 2001 attacks, and for New York City's economic recovery, after receiving testimony from Mel Martinez, Secretary of Housing and Urban Development.

### CAMPAIGN AGAINST TERRORISM

*Committee on Foreign Relations:* Subcommittee on Central Asia and South Caucasus concluded hearings to examine contributions of central Asian nations to the campaign against terrorism, including basing facilities for U.S. and allied forces, over-flight rights, intelligence sharing, and use of airports for military and humanitarian activities in Afghanistan, after receiving testimony from Elizabeth A. Jones, Assistant Secretary of State for European Affairs; and S. Frederick Starr, Johns Hopkins University Nitze School of Advanced International Studies Central Asia and Caucasus Institute, and Fiona Hill, Brookings Institution, both of Washington, D.C.

### RAILROAD SAFETY

*Committee on Governmental Affairs:* Committee concluded hearings to examine the security status of U.S. passenger and transit rail infrastructure, focusing on counter-terrorism equipment, security related training programs, and technologies capable of detecting chemical and biological agents on transit systems, after receiving testimony from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; Ernest R. Fraizer, Sr., National Railroad Passenger Corporation (Amtrak); Dorothy W. Dugger, San Francisco Bay Area Rapid Transit District, San Francisco, California; Jeffrey A. Warsh, New Jersey Transit Corporation, Newark; Richard A. White, Washington Metropolitan Area Transit Authority, Washington, D.C.; and Trixie Johnson, San Jose State University Mineta Transportation Institute, San Jose, California.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

H.R. 1892, to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, with an amendment;

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors;

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States;

H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees;

H.R. 861, to make technical amendments to section 10 of title 9, United States Code;

H.R. 2048, to require a report on the operations of the State Justice Institute;

S.J. Res. 8, designating 2002 as the "Year of the Rose";

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; and

The nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Michael A. Battle, to be United States Attorney for the Western District of New York, Christopher James Christie, to be United States Attorney for the District of New Jersey, Harry E. Cummins III, to be United States Attorney for the Eastern District of Arkansas, David Preston York, to be United States Attorney for the Southern District of Alabama, Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, and Dwight MacKay, of Montana, to be United States Marshal for the District of Montana, all of the Department of Justice.

## HOMELAND DEFENSE

*Committee on the Judiciary:* Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine the protection of our homeland against terror, focusing on policy, planning, and resource allocation responsibilities coordination, future operational solutions which balance apportionment of forces nationally and abroad, and local, state, and federal interagency cooperation improvement, after receiving testimony from Senator Bond; Lt. Gen. Frank G. Libutti, USMC (Ret.), Special Assistant to the Interim Department of Defense Executive Agent for Homeland Security; Lt. Gen. Russell C. Davis, USAF, Chief, National Guard Bureau; Maj. Gen. Richard C. Alexander, NGAUS (Ret.), Executive Director, National Guard Association of the United States; and Maj. Gen. Paul D. Monroe, Jr., Adjutant General, California National Guard.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 28 public bills, H.R. 3476–3503; and 2 resolutions, H. Con. Res. 288–289, were introduced. **Pages H10065–66**

**Reports Filed:** Reports were filed today as follows:

H.R. 3084, to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002 (H. Rept. 107–338). **Page H10065**

**Making Further Continuing Appropriations Through December 21:** The House passed H.J. Res. 78, making further continuing appropriations for the fiscal year 2002. The joint resolution was considered pursuant to the order of the House of Wednesday, Dec. 12. **Pages H10061–64**

**Department of Defense Authorization Conference Report:** The House agreed to the conference report on S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a yeas-and-nays vote of 382 yeas to 40 nays, Roll No. 495. **Pages H10073–80**

Earlier the House agreed to H. Res. 316, the rule that waived points of order against the conference report by voice vote. **Pages H10069–73**

**Technical Correction in Enrollment of DOD Authorization Act:** The House agreed to H. Con. Res. 288, directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1438, National Defense Authorization Act for Fiscal Year 2002. **Pages H10080–82**

**No Child Left Behind Act:** The House agreed to the conference report on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind by a recorded vote of 381 yeas to 41 nays, Roll No. 497. **Pages H10092–H10113**

Earlier the House agreed to H. Res. 315, the rule that waived points of order against the conference report by voice vote. **Pages H10082–92**

**Technical Correction in Enrollment of No Child Left Behind Act:** The House agreed to H. Con. Res. 289, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 1, No Child Left Behind Act. **Pages H10113–14**

**Consideration of Suspensions on Dec. 19, 2001:** The House agreed to H. Res. 314, the rule providing for the consideration of motions to suspend the rules on Wednesday, Dec. 19, 2001 by a recorded vote of 306 yeas to 100 nays, Roll No. 498. **Pages H10082, H10113**

**Legislative Program:** The Majority Leader announced the legislative program for the week of Dec. 17. **Page H10114**

**Meeting Hour—Monday, Dec. 17:** Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Dec. 17 in pro forma session. **Page H10114**

**Meeting Hour—Tuesday, Dec. 18:** Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, Dec. 18 for morning hour debate. **Page H10114-15**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, Dec. 19. **Pages H10115**

**Victims of Terrorism Relief Act:** The House agreed to the Senate amendments to H.R. 2884, to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001, with an amendment. The motion to concur in the Senate amendments with an amendment was considered pursuant to an earlier unanimous consent order (the Senate amended the title so as to read: An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States). **Pages H10115–41**

**Senate Messages:** Message received from the Senate appears on page H10080.

**Quorum Calls—Votes:** Three yeas-and-nays votes developed during the proceedings of the House today and appear on pages H10079–80, H10112, and H10113. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 5:54 p.m.

## Committee Meetings

### ELECTRIC SUPPLY AND TRANSMISSION ACT

*Committee on Energy and Commerce:* Subcommittee on Energy and Air Quality concluded hearings on H.R. 3406, Electric Supply and Transmission Act of 2001. Testimony was heard from Isaac Hunt, Commissioner, SEC; and public witnesses.

### FBI'S HANDLING OF CONFIDENTIAL INFORMANTS IN BOSTON

*Committee on Government Reform:* Held a hearing on "The FBI's Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?" Testimony was heard from the following officials of the Department of Justice: Michael Horowitz, Chief of Staff, Criminal Division; and Edward Whelan, Principal Deputy, Assistant Attorney General.

### DIGITAL MILLENNIUM COPYRIGHT ACT SECTION 104 REPORT

*Committee on the Judiciary:* Subcommittee on Courts, the Internet and Intellectual Property concluded oversight hearings on "The Digital Millennium Copyright Act Section 104 Report." Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2748, National War Permanent Tribute Historical Database Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; and H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the "Golden Chain Highway," as a National Heritage Corridor. Testimony was heard from Representatives Dreier, Meek of Florida and Hastings of Florida; Vincent L. Barile, Deputy Under Secretary, Management, National Cemetery Administration, Central Office, Department of Veterans Affairs; David Mihalic, Superintendent, Yosemite National Park, National Park Service, Department of the Interior; and public witnesses.

### GENERAL AVIATION INDUSTRY REPARATIONS ACT

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation approved for full Committee action, as amended, H.R. 3347, General Aviation Industry Reparations Act of 2001.

### NATIONAL CEMETERY ELIGIBILITY

*Committee on Veterans' Affairs:* Ordered reported, as amended, H.R. 3423, to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery.

Prior to this action, the Committee held a hearing on this legislation. Testimony was heard from John C. Metzler, Superintendent, Arlington National Cemetery, Department of the Army; and representatives of various veterans organizations.

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## COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 14, 2001

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Finance:* to continue markup of H.R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of the Social Security Advisory Board, both of the Social Security Administration, 9:30 a.m., SD-215.

### House

*Committee on Government Reform,* Subcommittee on Technology and Procurement Policy, hearing on Battling Bio-terrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health, 10 a.m., 2247 Rayburn.

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## NEW PUBLIC LAWS

*(For last listing of Public Laws, see DAILY DIGEST, of December 7, 2001, p. D1226)*

S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse". Signed on December 12, 2001. (Public Law 107-80)

S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan. Signed on December 12, 2001. (Public Law 107-81)

*Next Meeting of the SENATE*

9:30 a.m., Friday, December 14

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Monday, December 17

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Senate Chamber

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House Chamber

**Program for Friday:** Senate will continue consideration of S. 1731, Federal Farm Bill.

**Program for Monday:** Pro forma session.



## Congressional Record

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