

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on H.R. 1588, National Defense Authorization Act, and the Conference Report on H.R. 2559, Military Construction Appropriations Act, clearing both measures for the President.

Senate

Chamber Action

Routine Proceedings, pages S14463–S14921

Measures Introduced: On Wednesday, November 12, 2003, six bills were introduced, as follows: S. 1850–1855; on Thursday, November 13, 2003, three bills and two resolutions were introduced, as follows: S. 1856–1858, S. Res. 266, and S. Con. Res. 81; and on Friday, November 14, 2003, nine bills and one resolution were introduced, as follows: S. 1859–1867, and S.J. Res. 24. **Page S14804**

Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004”. (S. Rept. No. 108–195) **Page S14804**

Measures Passed:

Basic Pilot Program Extension and Expansion Act: Senate passed S. 1685, to extend and expand the basic pilot program for employment eligibility verification, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S14504–06**

Bond (for Leahy/Brownback) Amendment No. 2170, to extend the duration of the immigrant investor regional center pilot program for 5 additional years. **Pages S14505–06**

Adoption Promotion Act: Committee on Finance was discharged from further consideration of H.R. 3182, to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and the bill was then passed, clearing the measure for the President. **Pages S14859–60**

Overseas Private Investment Corporation Amendments Act: Senate passed S. 1824, to amend

the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

Pages S14860–61

Workforce Reinvestment and Adult Education Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 1261, to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1627, Senate companion measure, after agreeing to the committee amendment in the nature of a substitute. **Page S14861–S14919**

Subsequently, S. 1627 was returned to the Senate calendar. **Page S14919**

VA–HUD Appropriations Act: Senate continued consideration of H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S14464–81, S14496–S14504, S14506–28**

Adopted:

Craig (for Bond) Amendment No. 2156 (to Amendment No. 2150), to clarify the current exemption for certain nonroad agriculture and construction engines or vehicles that are smaller than 50 horsepower from an air emission regulation by California and require EPA to develop a national standard. **Pages S14477–81, S14496**

Craig Modified Amendment No. 2158 (to Amendment No. 2150), to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

Page S14496

Bond Amendment No. 2167 (to Amendment No. 2150), to remove the emergency designation on VA medical care.

Page S14496

Lautenberg Amendment No. 2171 (to Amendment No. 2150), to maintain enforcement personnel for the Environmental Protection Agency at the fiscal year 2003 level.

Pages S14506–07

Bond (for Graham (SC)/Hollings) Amendment No. 2172 (to Amendment No. 2150), to authorize the Secretary of Veterans Affairs to enter into an enhanced-use lease at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina.

Page S14507

Bond (for Mikulski/Bond) Amendment No. 2173 (to Amendment No. 2150), to require notice and comment rulemaking, and prohibit disclosure of selection information, by the Corporation for National and Community Service.

Page S14507

Bond Amendment No. 2174 (to Amendment No. 2150), to increase funds for the Office of Federal Housing Enterprise Oversight to conduct audits, investigations and examinations and to provide for additional emergency funds.

Pages S14510–11

Bond (for Stevens) Amendment No. 2175 (to Amendment No. 2150), to provide an allocation of funding under the Native American Housing Assistance and Self-Determination Act of 1996 for the State of Alaska.

Page S14511

Bond (for Durbin/Fitzgerald) Amendment No. 2176 (to Amendment No. 2150), to insert a provision relating to VA-Navy sharing of facilities at the North Chicago VA Medical Center.

Pages S14511–12

Bond (for Murkowski) Amendment No. 2177 (to Amendment No. 2150), to provide housing for teachers, administrators, and other school staff in remote areas of Alaska since such housing is often extremely substandard, if it is even available at all, and rural school districts in Alaska are facing increased challenges, including meeting the mandates of the No Child Left Behind Act, and in recruiting and retaining employees due to a lack of housing units.

Page S14512

Bond Amendment No. 2180 (to Amendment No. 2150), to require HUD to make any changes to the operating fund formula by negotiated rulemaking.

Pages S14518, S14520–24

Bond (for Murkowski) Amendment No. 2181 (to Amendment No. 2150), to provide for the treatment of the Pioneer Homes in Alaska as a State home for veterans.

Pages S14520–24

Bond (for Dorgan) Amendment No. 2182 (to Amendment No. 2150), to express the sense of the Senate on the access to primary health care of veterans living in rural and highly rural areas.

Pages S14520–24

Bond (for Sarbanes) Amendment No. 2183 (to Amendment No. 2150), to express the sense of the Senate that housing vouchers are a critical resource and that the Department of Housing and Urban Development should ensure that all vouchers can be used by low-income families.

Pages S14520–24

Bond (for Clinton) Amendment No. 2184 (to Amendment No. 2150), to provide VISTA volunteers the option of receiving a national service educational award.

Pages S14520–24

Bond (for Landrieu) Amendment No. 2151 (to Amendment No. 2150), to increase the amount of funds that may be used by States for technical assistance and administrative costs under the community development block grant program.

Pages S14520–24

Bond (for Levin) Amendment No. 2185 (to Amendment No. 2150), to authorize appropriations for sewer overflow control grants.

Pages S14520–24

Bond (for Boxer) Amendment No. 2186 (to Amendment No. 2150), to express the sense of the Senate that human dosing studies of pesticides raises ethical and health questions.

Pages S14520–24

Withdrawn:

Dorgan Amendment No. 2159 (to Amendment No. 2158), to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide.

Pages S14478–79

Pending:

Bond/Mikulski Amendment No. 2150, in the nature of a substitute.

Pages S14464–81, S14496–S14504, S14506–28

Clinton Amendment No. 2152 (to Amendment No. 2150), to permit the use of funds for the Capital Asset Realignment for Enhanced Services (CARES) initiative of the Department of Veterans Affairs for purposes of enhanced services while limiting the use of funds for the initiative for purposes of the closure or reduction of services pending a modification of the initiative to take into account long-term care, domiciliary care, and mental health services and other matters.

Pages S14496–S14504, S14508–10

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

By 44 yeas to 49 nays (Vote No. 449), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 502(c)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Mikulski Amendment No. 2178 (to Amendment No. 2150),

to provide for certain capitalization grants. Subsequently, a point of order that the emergency designation provision would violate section 502(c)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus falls.

Pages S14512–18

A unanimous-consent agreement was reached providing for further consideration of the bill at 12 noon, on Monday, November 17, 2003. **Page S14920**

National Defense Authorization Act—Conference Report: By 95 yeas to 3 nays (Vote No. 447), Senate agreed to the conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, 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 S14481–94

Military Construction Appropriations—Conference Report: By a unanimous vote of 98 yeas (Vote No. 448), Senate agreed to the conference report on H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, clearing the measure for the President.

Pages S14494–96

Federal Aviation Administration Authorization—Conference Report: Senate began consideration of the conference report on H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration.

Page S14858

A motion was entered to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, November 17, 2003.

Page S14858

A unanimous-consent agreement was reached providing the further consideration of the conference report at 4:30 p.m., on Monday, November 17, 2003; that there be one hour of debate equally divided, and Senate then vote on the motion to close further debate on the conference report.

Page S14858

Nomination Considered: Senate resumed consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Pages S14531–32, S14547–S14682, S14683–S14777

A fourth motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of

the Senate, a vote on cloture will occur on Friday, November 14, 2003.

Pages S14531–32

By 53 yeas to 42 nays (Vote No. 450), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the fourth motion to close further debate on the nomination. (*This action occurred on the calendar day of Friday, November 14, 2003 during the continuous session of Wednesday, November 12, 2003.*)

Page S14777

Nomination Considered: Senate resumed consideration of the nomination of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

Page S14532, S14547–S14682, S14683–S14783

A second motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, November 14, 2003.

Page S14532

By 53 yeas to 43 nays (Vote No. 451), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the second motion to close further debate on the nomination. (*This action occurred on the calendar day of Friday, November 14, 2003 during the continuous session of Wednesday, November 12, 2003.*)

Pages S14777–83

Nomination Considered: Senate began consideration of the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Page S14532, S14547–S14682, S14683–S14785

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, November 14, 2003.

Page S14532

By 53 yeas to 43 nays (Vote No. 452), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. (*This action occurred on the calendar day of Friday, November 14, 2003 during the continuous session of Wednesday, November 12, 2003.*)

Pages S14783–85

Nomination Considered: Senate began consideration of the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

Pages S14858–59

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, November 18, 2003.

Pages S14858–59

Nomination Considered: Senate began consideration of the nomination of Thomas C. Dorr, of Iowa,

to be a Member of the Board of Directors of the Commodity Credit Corporation. **Pages S14858–59**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, November 18, 2003. **Pages S14858–59**

Point of Order Raised: During Executive Session, Senator Gregg raised a point of order that a sign displayed on the minority side of the aisle violated provisions of Rule XVII of the Rules for Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings. **Page S14529**

Nomination—Agreement: a unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, with the concurrence of the Democratic Leader, Senate may proceed to executive session to begin consideration of the nomination of Maj. Gen. Robert T. Clark for appointment in the United States Army to the grade of Lieutenant General; that there be two hours equally divided between the Chairman and Ranking Member of the Committee on Armed Services; and that following the use or yielding back of time, Senate proceed to a vote on confirmation of the nomination; further, that following the confirmation vote, Senate proceed to the consideration of certain nominations en bloc, and the nominations then be confirmed. **Page S14920**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a periodic report relative to the national emergency with respect to Iran which was declared in Executive Order No. 12170; to the Committee on Banking, Housing, and Urban Affairs. (PM–56) **Page S14802**

Nominations Confirmed: Senate confirmed the following nomination (on the calendar day of Friday, November 14, 2003, during the continuous session of Wednesday, November 12, 2003):

Zalmay Khalilzad, of Maryland, to be Ambassador to the Transitional Islamic State of Afghanistan. **Page S14921**

Nominations Received: Senate received the following nominations (on the calendar day of Friday, November 14, 2003, during the continuous session of Wednesday, November 12, 2003):

Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

David C. Mulford, of Illinois, to be Ambassador to India. **Page S14921**

Messages From the House: **Page S14802**

Enrolled Bills Presented: **Page S14802**

Executive Communications: **Pages S14802–04**

Executive Reports of Committees: **Page S14804**

Additional Cosponsors: **Pages S14804–07**

Statements on Introduced Bills/Resolutions: **Pages S14807–19**

Additional Statements: **Pages S14798–S14802**

Amendments Submitted: **Pages S14819–48**

Notices of Hearings/Meetings: **Page S14848**

Authority for Committees to Meet: **Pages S14848–49**

Privilege of the Floor: **Page S14849**

Record Votes: Six record votes were taken today. (Total—452) **Pages S14493–94, S14495–96, S14518, S14777, S14783, S14785**

Adjournment: Senate met at 9:30 a.m., and adjourned at 3:06 p.m. until 12 noon on Monday, November 17, 2003. (For Senate's Program, see the remarks of the Majority Leader in today's Record on page S).

Committee Meetings

(Committees not listed did not meet)

ONGOING MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing to examine ongoing military operations and areas of key concern around the world from Lieutenant General Norton A. Schwartz, USAF, Director for Operations, J–3, and Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J–2, both of the Joint Staff; William J. Luti, Deputy Assistant Secretary of Defense for Near East and South Asian Affairs; and Ruben Jeffrey, Representative and Executive Director of the Coalition Provisional Authority.

FINANCIAL ACCOUNTING STANDARDS BOARD

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities and Investment concluded a hearing on the Financial Accounting Standards Board and small business growth, focusing on establishing and improving general-purpose standards of financial accounting and reporting for both public and private enterprises, after receiving testimony from Senator Ensign; Robert H. Herz, Financial Accounting Standards Board, Norwalk, Connecticut; Peter A. Salg, QSC Restaurants, Inc., Fort Collins, Colorado, on behalf of the International Franchise Association; James K. Glassman, American Enterprise Institute, and Jeannine Kenney, National