

# Daily Digest

## HIGHLIGHTS

Second Session of the One Hundred Eighth Congress Convened.  
Senate and House of Representatives met in Joint Session to receive the  
President's State of the Union Message.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S1–S60*

**Measures Introduced:** Four bills and one resolution were introduced, as follows: S. 2006–2009, and S. Res. 284. (S. 2005 was reported as an original bill on January 9.) **Pages S52–53**

#### **Measures Reported:**

Reported on Friday, January 9, during the adjournment:

S. 2005, to temporarily replace the use by pension plans of the 30-year treasury bond rate with a composite corporate rate, and to establish a commission on defined benefit plans. (S. Rept. No. 108–221)

S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, with an amendment in the nature of a substitute. (S. Rept. No. 108–222) **Page S52**

#### **Measures Passed:**

*Providing for a Joint Session of Congress:* Senate agreed to H. Con. Res. 349, providing for a joint session of Congress to receive a message from the President on the State of the Union. **Page S21**

*Commemorating Former Senator William V. Roth, Jr.:* Senate agreed to S. Res. 284, commemorating the life of William V. Roth, Jr., former member of the United States Senate from the State of Delaware. **Pages S21–26**

**Agriculture Appropriations Act (Omnibus Appropriations)—Conference Report:** Senate resumed consideration of the conference report to accompany H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004. **Pages S3–21**

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

By 48 yeas to 45 nays (Vote No. 1), 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 the conference report. **Pages S20–21**

Subsequently, a motion to reconsider the vote by which cloture was not invoked was entered. **Page S21**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 10 a.m., on Wednesday, January 21, 2004, with the time until 6 p.m. equally divided between the Chairman and Ranking Member of the Appropriations Committee or their designees; further that Senator Byrd be recognized at 12 noon to speak for up to 2 hours and Senator McCain be recognized at 2 p.m. to speak for 1 hour. **Page S60**

#### **Appointments:**

*U.S.-China Economic Security Review Commission:* The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappointed the following individual to the United States-China Economic Security Review Commission: William A. Reinsch of Maryland, for a term expiring December 31, 2005. **Pages S59–60**

*U.S. Military Academy:* The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 4355(a), appointed Senator Reed, from the Armed Services Committee, to the Board of Visitors of the U.S. Military Academy. **Pages S59–60**

**U.S. Naval Academy:** The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 6968(a), appointed Senator McCain, from the Armed Services Committee, to the Board of Visitors of the U.S. Naval Academy. **Pages S59–60**

**U.S. Air Force Academy:** The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 9355(a), appointed Senator Allard, from the Armed Services Committee, to the Board of Visitors of the U.S. Air Force Academy. **Pages S59–60**

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

Transmitting the report on the State of the Union delivered to a Joint Session of Congress on January 20, 2004; which was ordered to lie on the table. (PM–59) **Pages S33–37**

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

Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California. **Page S60**

**Messages From the House:** **Page S37**

**Measures Read First Time:** **Pages S37–38**

**Enrolled Bills Signed:** **Page S37**

**Executive Communications:** **Pages S38–52**

**Additional Cosponsors:** **Pages S53–54**

**Statements on Introduced Bills/Resolutions:** **Pages S54–57**

**Additional Statements:** **Pages S31–33**

**Amendments Submitted:** **Pages S57–59**

**Record Votes:** One record vote was taken today. (Total—1) **Page S21**

**Adjournment:** Senate convened the Second Session of the One Hundred Eighth Congress at 12 noon, and as a further mark of respect to the memory of the late Honorable William V. Roth, Jr., former United States Senator from the State of Delaware, in accordance with S. Res. 284, adjourned at 10:13 p.m., until 10 a.m., on Wednesday, January 21, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S60.)

## Committee Meetings

(Committees not listed did not meet)

### OVERTIME PAY

**Committee on Appropriations:** Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded a hearing to examine the Department of Labor's proposed rule on overtime pay, after receiving testimony from Elaine L. Chao, Secretary of Labor; Jared Bernstein, Economic Policy Institute, Ronald Bird, Employment Policy Foundation, Andrew J. McDevitt, American Payroll Association, Patti Hefner, on behalf of the American Nurses Association, Richard L. Trumka, AFL-CIO, and David S. Fortney, Fortney and Scott, all of Washington, D.C.

### NORTH KOREAN NUCLEAR DEVELOPMENTS

**Committee on Foreign Relations:** Committee met in closed session to receive a briefing on North Korean nuclear developments and the Six-Power Talks from Siegfried Hecker, Los Alamos National Laboratory, Los Alamos, New Mexico; and Keith Luse and Frank Jannuzi, both of the Senate Committee on Foreign Relations.

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# House of Representatives

## Chamber Action

**Measures Introduced:** 11 public bills, H.R. 3701–3711; and 9 resolutions, H.J. Res. 84–85; H. Con. Res. 343, and H. Res. 489–494, were introduced. **Pages H35–36**

**Additional Cosponsors:** **Pages H36–37**

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

Filed on December 8, 2003, H.R. 2844, to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, amended (H. Rept. 108–404, Pt. 1); and

Filed on December 8, 2003, H.R. 2734, to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, amended (H. Rept. 108-405, Pt. 1).

**Convening of the Second Session of the One Hundred Eighth Congress:** The Speaker called the House to order and ascertained the presence of a quorum (321 present, Roll No. 1). **Pages H1-2**

**Resignation from Congress:** Read a letter from Representative William J. Janklow wherein he notified the Speaker of his resignation as Congressman for the State of South Dakota, effective 11:59 p.m. on January 20, 2004. **Page H2**

**Resignation from the Democratic Caucus:** Read a letter from Representative Menendez wherein he announced that Representative Hall of Texas resigned from the Democratic Caucus, effective January 5, 2004. **Page H2**

**Committee Election Vacated:** Read a letter from the Speaker wherein he announced that Representative Hall's (TX) election to the Committee on Science has been vacated effective January 5, 2004. **Page H2**

**Committee Election Vacated:** Read a letter from the Speaker wherein he announced that Representative Hall's (TX) election to the Committee on Energy and Commerce has been vacated effective January 5, 2004. **Page H2**

**Committee to Notify the President that a Quorum of Each House Has Assembled:** The House agreed to H. Res. 486, authorizing the Speaker to appoint a committee to join with a committee on the part of the Senate to notify the President that a quorum of each House has assembled, and Congress is ready to receive any communication that he may please to make. Subsequently, the Speaker appointed Majority Leader DeLay and Minority Leader Pelosi to the Committee. Later, the Committee reported to the House that the President had been notified. **Pages H2, H4**

**Notifying the Senate that a Quorum of the House is Present:** The House agreed to H. Res. 487, to authorize the Clerk of the House to inform the Senate that a quorum of the House is present and that the House is ready to proceed with business. **Page H3**

**Meeting Hour:** The House agreed to H. Res. 488, establishing the hour of daily meeting of the House. **Page H3**

**State of the Union Message:** The House agreed to H. Con. Res. 349, providing for a joint session of Congress to receive a message from the President on

the state of the Union on Tuesday, January 20, 2004 at 9 p.m. **Page H3**

**Morning Hour Debate:** Agreed by unanimous consent to authority for morning hour debate on the legislative days of Monday and Tuesday. **Page H3**

**Extension of Remarks:** Agreed by unanimous consent to authority for Members to extend their remarks and include extraneous material in the Congressional Record. **Page H3**

**Calendar Wednesday:** Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, January 21, 2004. **Page H3**

**United States-China Review Commission:** Read a letter from the Minority Leader wherein she announced her appointment of Ms. Carolyn Bartholomew of the District of Columbia to the United States-China Review Commission. **Page H3**

**Election Assistance Commission Board of Advisors:** Read a letter from the Minority Leader wherein she announced her appointment of Mr. Willie L. Brown, Jr., of San Francisco, California to the Election Assistance Commission Board of Advisors. **Page H3**

**Recess:** The House recessed at 2:56 p.m. and reconvened at 8:44 p.m. **Page H19**

**State of the Union Address:** President George W. Bush delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 349. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Blunt, Pryce (OH), Kingston, Pelosi, Hoyer, Menendez, Clyburn and Senators Frist, McConnell, Santorum, Hutchison, Kyl, Allen, Specter, Murkowski, Daschle, Mikulski, Breaux, Dorgan, Boxer, Durbin, Reed, Nelson (FL), Stabenow, Clinton, and Corzine. The President's message was referred to the Committee on the Whole House on the State of the Union and ordered printed (H. Doc. 108-144). **Pages H19-23**

**Senate Messages:** Messages received from the Senate today appear on pages H2.

**Senate Referral:** S. 1172 was referred to the Committee on Energy and Commerce; S. 1267 was referred to the Committees on Government Reform, Rules, and Appropriations; S. 2000 was referred to the Committees on Government Reform, Energy and Commerce, and Armed Services; and S. 1177 was ordered held at the desk. **Page H24**

**Quorum Calls—Votes:** One quorum call (Roll No. 1) developed during the proceedings of the House today and appears on pages H1-2.

**Adjournment:** The House met at 12 noon and adjourned at 10:13 p.m.

## Committee Meetings

No committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1356)

H.R. 3348, to reauthorize the ban on undetectable firearms. Signed on December 9, 2003. (Public Law 108-174)

H.R. 1828, to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East. Signed on December 12, 2003. (Public Law 108-175)

H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration. Signed on December 12, 2003. (Public Law 108-176)

H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. Signed on December 13, 2003. (Public Law 108-177)

H.R. 1437, to improve the United States Code. Signed on December 15, 2003. (Public Law 108-178)

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture. Signed on December 15, 2003. (Public Law 108-179)

H.R. 3287, to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown et al. v. the Board of Education of Topeka et al.* Signed on December 15, 2003. (Public Law 108-180)

H.J. Res. 80, appointing the day for the convening of the second session of the One Hundred Eighth Congress. Signed on December 15, 2003. (Public Law 108-181)

S. 459, to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty

shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits. Signed on December 15, 2003. (Public Law 108-182)

H.R. 2297, to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs. Signed on December 16, 2003. (Public Law 108-183)

H.R. 3491, to establish within the Smithsonian Institution the National Museum of African American History and Culture. Signed on December 16, 2003. (Public Law 108-184)

H.J. Res. 82, making further continuing appropriations for the fiscal year 2004. Signed on December 16, 2003. (Public Law 108-185)

S. 811, to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act. Signed on December 16, 2003. (Public Law 108-186)

S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet. Signed on December 16, 2003. (Public Law 108-187)

H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts." Signed on December 17, 2003. (Public Law 108-188)

H.R. 100, to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940. Signed on December 19, 2003. (Public Law 108-189)

H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona. Signed on December 19, 2003. (Public Law 108-190)

H.R. 1006, to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species. Signed on December 19, 2003. (Public Law 108-191)

H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia. Signed on December 19, 2003. (Public Law 108-192)

H.R. 2620, to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000. Signed on December 19, 2003. (Public Law 108-193)

S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers. Signed on December 19, 2003. (Public Law 108–194)

S. 1680, to reauthorize the Defense Production Act of 1950. Signed on December 19, 2003. (Public Law 108–195)

S. 1683, to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees. Signed on December 19, 2003. (Public Law 108–196)

S. 1929, to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year. Signed on December 19, 2003. (Public Law 108–197)

S. 1947, to prohibit the offer of credit by a financial institution to a financial institution examiner. Signed on December 19, 2003. (Public Law 108–198)

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## CONGRESSIONAL PROGRAM AHEAD

Week of January 21 through January 24, 2004

### Senate Chamber

On *Wednesday*, at 10 a.m., Senate will resume consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations) for debate only. At 12 noon, Senator Byrd will be recognized for up to two hours, and at 2 p.m., Senator McCain will be recognized for up to one hour.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* January 22, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine avoiding conflicts of interest at the National Institutes of Health, 9:30 a.m., SD–192.

*Committee on Armed Services:* January 22, to hold a closed briefing regarding ongoing military activities in Iraq and Afghanistan, including other areas of interest, 9:30 a.m., SR–222.

*Committee on Foreign Relations:* January 21, to hold hearings to examine update on North Korean Nuclear Developments and the Six-Power Talks, 9 a.m., SH–216.

*Committee on the Judiciary:* January 22, to hold hearings to examine the nominations of Raymond W. Gruender, of Missouri, to be United States Circuit Judge for the Eighth Circuit, Ricardo S. Martinez, to be United States District Judge for the Western District of Washington, Gene E. K. Pratter, to be United States District Judge for the Eastern District of Pennsylvania, and Neil Vincent Wake, to be United States District Judge for the District of Arizona, 10 a.m., SD–226.

*Select Committee on Intelligence:* January 22, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House Chamber

To be announced.

### House Committees

*Committee on Agriculture,* January 21, hearing to review the USDA's Bovine Spongiform Encephalopathy (BSE) Response, 2 p.m., 1300 Longworth.

*Committee on Armed Services,* January 21, Subcommittee on Total Force, hearing on Reserve Component Healthcare: Medical Holdovers in Current and Future Deployments, 9:30 a.m., 2118 Rayburn.

*Committee on Financial Services,* January 21, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on the OFHEO's report of the Special Examination of Freddie Mac, 10 a.m., 2128 Rayburn.

*Committee on the Judiciary,* January 21, to mark up the following measures: H.R. 2844, Continuity in Representation Act of 2003; H.R. 1997, Unborn Victims of Violence Act of 2003; H.R. 3261, Database and Collections of Information Misappropriation Act; H.R. 2391, Cooperative Research and Collections of Information Misappropriation Act; H.R. 2391, Cooperative Research and Technology Enhancement (CREATE) Act of 2003; H.R. 1073, To repeal section 801 of the Revenue Act of 1916; H.R. 1768, Multidistrict Litigation Restoration Act of 2003; H. Res. 412, Honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; H.R. 3095, Community Recognition Act of 2003; H.R. 339, Personal Responsibility in Food Consumption Act; H.R. 2824, Internet Tobacco Sales Enforcement Act; and H. Res. 56, Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, 10 a.m., 2141 Rayburn.

*Committee on Small Business,* January 21, hearing on Can U.S. Companies Compete Globally Using American Workers? 10 a.m., 2360 Rayburn.

*Next Meeting of the SENATE*

10 a.m., Wednesday, January 21, 2004

## Senate Chamber

**Program for Wednesday:** Senate will resume consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations) for debate only. At 12 noon, Senator Byrd will be recognized for up to two hours, and at 2 p.m., Senator McCain will be recognized for up to one hour.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, January 21

## House Chamber

**Program for Wednesday:** Consideration of Suspensions:

H. Res. 492, honoring the contributions of Catholic schools;

H. Res. 491, expressing the sense of the House of Representatives regarding the benefits of mentoring;

H. Res. 490, recognizing and commending the achievements of NASA's Jet Propulsion Laboratory and the Mars Exploration Rover Mission; and

H. Res. 489, stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281.

## Extensions of Remarks, as inserted in this issue

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