

Daily Digest

HIGHLIGHTS

Senate passed S. 1072, SAFE Transportation Equity Act.

Senate agreed to H. Con. Res. 361, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S1195–S1415

Measures Introduced: Twenty-eight bills and five resolutions were introduced, as follows: S. 2068–2095, S.J. Res. 27, S. Res. 302–304, and S. Con. Res. 89. **Pages S1285–86**

Measures Passed:

SAFE Transportation Equity Act: By 76 yeas to 21 nays (Vote No. 14), Senate passed S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, after taking action on the following amendments proposed thereto: **Pages S1195–S1265**

Adopted:

Dorgan Amendment No. 2430 (to Amendment No. 2285), to modify the penalty for nonenforcement of open container requirements. **Pages S1225–29, S1232**

Reid (for Harkin) Amendment No. 2333 (to Amendment No. 2285), to encourage States to give priority to pedestrian and bicycle facility enhancement projects that include a coordinated physical activity or healthy lifestyles program. **Pages S1237–38**

Talent/Wyden Amendment No. 2482 (to Amendment No. 2285), to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway projects and rail-truck transfer facilities. **Pages S1238–39**

DeWine Amendment No. 2396 (to Amendment No. 2285), to enhance motor vehicle safety. **Page S1240**

Reid (for Corzine) Amendment No. 2308 (to Amendment No. 2285), to permit funds to be used for programs to impound the vehicles of drunk or impaired drivers. **Page S1240**

Reid (for Corzine) Amendment No. 2312 (to Amendment No. 2285), to require additional pro-

grams and activities to address distracted, inattentive, and fatigued drivers. **Page S1240**

Bond (for Murkowski/Stevens) Modified Amendment No. 2498 (to Amendment No. 2285), to establish the Denali Access System in the State of Alaska. **Page S1240**

Bond (for Shelby) Modified Amendment No. 2532 (to Amendment No. 2285), to establish the Delta Region transportation development program. **Pages S1240–41**

Inhofe Amendment No. 2616 (to Amendment No. 2285), to make certain improvements to the bill. **Page S1242**

Inhofe Amendment No. 2285, in the nature of a substitute. **Page S1242**

Rejected:

By 17 yeas to 78 nays (Vote No. 11), Hutchison Amendment No. 2388 (to Amendment No. 2285), to provide for the distribution of funds under the infrastructure performance and maintenance program. **Page S1206**

By 20 yeas to 78 nays (Vote No. 13), Kyl Amendment No. 2473 (to Amendment 2285), to provide for a substitute to title V. **Pages S1220–25**

Withdrawn:

Inhofe Amendment No. 2591 (to Amendment No. 2388), to set the effective date of the section. **Page S1206**

Landrieu Amendment No. 2615 (to Amendment No. 2388), to establish a program to apportion funds to States for use in the acceleration and completion of coordinated planning, design, and construction of internationally significant highway projects. **Pages S1229–32**

Bond Amendment No. 2502 (to Amendment No. 2285), to strike the highway stormwater discharge mitigation program. **Pages S1233–34**

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

By 86 yeas to 11 nays (Vote No. 10), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Inhofe Amendment No. 2285 (listed above). **Pages S1198–99**

Chair sustained a point of order that Clinton/Bingaman Amendment No. 2311 (to language proposed to be stricken by Amendment No. 2285), to express the sense of the Senate concerning the outsourcing of American jobs, was not germane to the bill, and the amendment thus fell. **Page S1199**

Bond Amendment No. 2327 (to Amendment No. 2311), to limit liability with respect to the owners of rented or leased motor vehicles, fell when Clinton/Bingaman Amendment No. 2311 was ruled not germane. **Page S1199**

By 72 yeas to 24 nays (Vote No. 12), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Inhofe Amendment No. 2285, in the nature of a substitute. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 fell. **Page S1219**

The motion to invoke cloture on the bill was vitiated. **Page S1198**

Congratulating Carroll College Fighting Saints Football Team: Senate agreed to S. Res. 303, commending the Carroll College Fighting Saints football team for winning the 2003 National Association of Inter-collegiate Athletics (NAIA) national football championship game. **Pages S1401–02**

Service Block Grants Improvements Act: Senate passed S. 1786, to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act, after agreeing to the committee amendment in the nature of a substitute. **Pages S1402–13**

Adjournment Resolution: Senate agreed to H. Con. Res. 361, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S1413**

Iran Elections: Senate agreed to S. Res. 304, expressing the sense of the Senate that the United States should not support the February 20, 2004, elections in Iran and that the United States should advocate democratic government in Iran that will restore freedom to the Iranian people and will abandon terrorism. **Page S1415**

Healthy Mothers and Healthy Babies Access to Care Act: Senate began consideration of the motion

to proceed to consideration of S. 2061, to improve women's health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services. **Page S1401**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur at 5 p.m., on Tuesday, February 24, 2004. **Page S1401**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Tuesday, February 23, 2004. **Page S1401**

Pension Funding Equity Act—Conferees Appointed: Senate insisted on its amendment to H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Gregg, McConnell, Baucus, and Kennedy. **Page S1401**

Washington's Farewell Address—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the Resolution of the Senate of January 24, 1901, that on Monday, February 23, 2004, immediately following the prayer, the Pledge of Allegiance to the Flag, and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place. **Page S1401**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader or the Assistant Majority Leader, be authorized to sign duly enrolled bills or joint resolutions. **Page S1413**

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Wednesday, February 18, 2004, from 10 a.m. until 12 noon. **Page S1413**

Appointments:

Washington's Farewell Address: The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 12, 2004, appointed Senator Breaux to read Washington's Farewell Address on Monday, February 23, 2004. **Page S1401**

Policy Committee to the White House Conference on Aging: The Chair, on behalf of the Democratic Leader, after consultation with the member of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, appointed the following as members of the Policy Committee to the White House Conference on Aging: Senators Harkin and Reid. **Page S1401**

Nominations Confirmed: Senate confirmed the following nomination:

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury. **Page S1401**

Nominations Received: Senate received the following nominations:

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for a term expiring June 30, 2008.

Miles T. Bivins, of Texas, to be Ambassador to Sweden.

Marc McGowan Wall, of Virginia, to be Ambassador to the Republic of Chad.

Richard S. Williamson, of Illinois, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

1 Army nomination in the rank of general.

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Messages From the House: **Page S1279**

Measures Read First Time: **Page S1280**

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Amendments Submitted: **Pages S1312–S1400**

Notice of Hearings/Meetings: **Page S1400**

Authority for Committees to Meet: **Page S1400**

Record Votes: Five record votes were taken today. (Total—14) **Pages S1198–99, S1206, S1219, S1225, S1265**

Adjournment: Senate convened at 8:30 a.m., and, pursuant to the provisions of H. Con. Res. 361, adjourned at 8:49 p.m., until 12 noon, on Monday, February 23, 2004. (For Senate's program, see the re-

marks of the Majority Leader in today's Record on page S1414.)

Committee Meetings

(Committees not listed did not meet)

MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the first monetary policy report to Congress for 2004, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

DEPARTMENT OF HEALTH AND HUMAN SERVICES BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2005 for the Department of Health and Human Services, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed fiscal year 2005 budget for the Department of the Interior, after receiving testimony from Gale A. Norton, Secretary of the Interior.

PUBLIC LANDS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 1466, to facilitate the transfer of land in the State of Alaska, S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska Natives, S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land, after receiving testimony from Senator Stevens; Kathleen Clarke, Director, Bureau of Land Management, Department of the Interior; Peter M. Pino, Pueblo of Zia, Zia Pueblo, New Mexico; Martin Heinrich, Albuquerque, New Mexico; Marty Rutherford, Alaska Department of Natural Resources, and Jack Hession, Sierra Club, both of Anchorage, Alaska; James Mery, Doyon, Limited, Fairbanks, Alaska; Russell Heath, Southeast Alaska Conservation Council, and Edward K. Thomas, Central Council Tlingit and Haida Indian Tribes of Alaska, both of Juneau, Alaska.

DEPARTMENT OF THE TREASURY BUDGET

Committee on Finance: Committee concluded a hearing to examine the President's proposed budget request

for fiscal year 2005 for the Department of the Treasury, after receiving testimony from John W. Snow, Secretary of the Treasury.

NOMINATION

Committee on Finance: Committee ordered favorably reported the nomination of Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury.

STATE DEPARTMENT BUDGET

Committee on Foreign Relations: Committee concluded a hearing to examine the President's proposed fiscal year 2005 International Affairs budget for the Department of State, focusing on foreign policy and programs in winning the war on terrorism, global economic growth, and AIDS relief, after receiving testimony from Colin L. Powell, Secretary of State.

U.S.-VIETNAMESE RELATIONS

Committee on Foreign Relations: Subcommittee on East Asia and Pacific Affairs concluded a hearing to examine the future of U.S.-Vietnamese relations, focusing on trade and human rights issues, after receiving testimony from John V. Hanford III, Ambassador at Large, Office of International Religious Freedom, and Matthew Daley, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, both of the Department of State; Michael Young, Chair, United States Commission on International Religious Freedom; Bob Seiple, Institute for Global Management, St. Davids, Pennsylvania; Virginia Foote, U.S.-Vietnam Trade Council, and Viet D. Dinh, Georgetown University Law Center, both of Washington, D.C.; Nguyen Dinh Thang, Boat People S.O.S., Inc., Falls Church, Virginia; and Rmahy Eban, Montagnard Refugee.

DOD CONTRACTORS AND TAX SYSTEM

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine Department of Defense contractors abuse of the federal tax system, focusing on the need to strengthen government financial management procedures and assure that Department of Defense contractors meet their federal tax obligations, after receiving testimony from Gregory D. Kutz and Steven J. Sebastian, both Directors of Financial Management and Assurance, and John J. Ryan, Assistant Director, Office of Special Investigations, all of the General Accounting Office; Mark W. Everson, Commissioner, Internal Revenue Service, and Richard L. Gregg, Commissioner, Financial Management Service, both of the Department of the Treasury; and Lawrence J. Lanzillotta, Principal Deputy Under Sec-

retary of Defense (Comptroller) and Deputy Under Secretary of Defense for Management Reform.

BUSINESS MEETING

Committee on the Judiciary: Committee met to discuss certain committee business, made no announcements, and recessed subject to the call.

GUEST WORKER PROPOSAL

Committee on the Judiciary: Subcommittee on Immigration Border Security concluded a hearing to examine the President's proposal to create a new temporary worker program, focusing on immigration reform issues, enforcement of labor laws, labor demographics, and the Mexican Labor Program, after receiving testimony from Asa Hutchinson, Under Secretary for Border and Transportation Security, and Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, both of the Department of Homeland Security; Steven J. Law, Deputy Secretary of Labor; Richard R. Birkman, Texas Roofing Company of Austin, Austin, Texas, on behalf of the National Roofing Contractors Association; Demetrios G. Papademetriou, Migration Policy Institute, and Charles Cervantes, United States-Mexico Chamber of Commerce, both of Washington, D.C.; and Vernon M. Briggs, Jr., Cornell University, Ithaca, New York.

SMALL BUSINESS ADMINISTRATION BUDGET

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2005 for the Small Business Administration, after receiving testimony from Hector V. Barreto, Administrator, U.S. Small Business Administration; Anthony R. Wilkinson, National Association of Government Guaranteed Lenders, Inc., Stillwater, Oklahoma; David M. Coit, North Atlantic Capital, Portland, Maine, on behalf of the National Association of Small Business Investment Companies; Mary Mathews, Northeast Entrepreneur Fund, Inc., Virginia, Minnesota, on behalf of the Association for Enterprise Opportunity; and Ellen Golden, Coastal Enterprises, Inc., Wiscasset, Maine, on behalf of the Association of Women's Business Centers.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

The House was not in session today. Pursuant to the provisions of H. Con. Res. 361, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, it stands adjourned until 2 p.m. on Tuesday, February 24, 2004.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense began fiscal year 2005 appropriation hearings. Testimony was heard from Donald H. Rumsfeld, Secretary of Defense.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies began fiscal year 2005 appropriation hearings. Testimony was heard from Elaine L. Chao, Secretary of Labor.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Base Realignment and Closure. Testimony was heard from the following officials of the Department of Defense: Raymond F. DuBois, Jr., Deputy Under Secretary, Installations and Environment; Geoffrey Prosch, Acting Assistant Secretary, Installations and Environment, Department of the Army; Hansford T. Johnson, Assistant Secretary, Installations and Environment, Department of the Navy; and Nelson F. Gibbs, Assistant Secretary, Installations, Environment and Logistics, Department of the Air Force.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2005— DEPARTMENT OF THE NAVY

Committee on Armed Services: Held a hearing on the Fiscal year 2005 National Defense Authorization budget request for the Department of the Navy. Testimony was heard from the following officials of the Department of the Navy: Gordon R. England, Secretary; Adm. Vern Clark, USN, Chief of Naval Operations; and Michael W. Hagee, USMC, Commandant of the Marine Corps.

DEPARTMENT OF VETERANS AFFAIRS BUDGET PRIORITIES FISCAL YEAR 2005

Committee on the Budget: Held a hearing on the Department of Veterans Affairs Budget Priorities Fiscal Year 2005. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs; and representatives of veterans organizations.

ENCOURAGING HEALTHY CHOICES FOR HEALTHY CHILDREN

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled "Encouraging Healthy Choices for Healthy Children." Testimony was heard from public witnesses.

BROADCAST DECENCY ENFORCEMENT ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet approved for full Committee action H.R. 3717, Broadcast Decency Enforcement Act of 2004.

MISCELLANEOUS MEASURES; REVIEW— THIS YEAR'S FLU SEASON

Committee on Government Reform: Ordered reported the following measures: H.R. 3536, To designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office;" H.R. 3537, To designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office;" H.R. 3538, To designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office;" H.R. 3690, To designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building;" H.R. 3769, To designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building;" H. Res. 392, Congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship; H. Res. 439, Honoring the life and career of Willie Shoemaker and expressing the condolences of the House of Representatives to his family and friends on his death; H. Con. Res. 287, Recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; and H. Res. 519, Expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, California, on December 22, 2003.

The Committee approved the release of the transcript of the April 10, 2003 interview of Frank Salemme.

The Committee also held a hearing entitled "A Review of This Year's Flu Season: Does Our Public Health System Need a Shot in the Arm? Testimony was heard from the Department of Health and Human Services: Julie Gerberding, M.D., Director,

Centers for Disease Control and Prevention; and Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; Janet Heinrich, M.D., Director, Public Health Issues, GAO; and public witnesses.

AFGHANISTAN: DRUGS AND TERRORISM AND U.S. SECURITY POLICY

Committee on International Relations: Held a hearing on Afghanistan: Drugs and Terrorism and U.S. Security Policy. Testimony was heard from Representative Kirk; the following officials of the Department of State: Robert B. Charles, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs; and William B. Taylor, Jr., Coordinator for Afghanistan; Karen P. Tandy, Administrator, DEA, Department of Justice; and the following officials of the Department of Defense: Thomas W. O'Connell, Assistant Secretary, Special Operations and Low-Intensity Conflict; and Brig. Gen. Gary L. North, USAF, Director, Politico-Military Affairs for Asia-Pacific, Joint Chiefs of Staff.

ANTI-COUNTERFEITING AMENDMENTS OF 2003

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 3632, Anti-counterfeiting Amendments of 2003. Testimony was heard from public witnesses.

OVERSIGHT—ENERGY SUPPLY AND THE AMERICAN CONSUMER

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled "Energy Supply and the American Consumer." Testimony was heard from Guy F. Caruso, Administrator, Department of Energy; and public witnesses.

LAND CONVEYANCE

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on H.R. 3505, to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery. Testimony was heard from Elizabeth Estill, Deputy Chief of Programs, Legislation and Communication, Forest Service, USDA; and public witnesses.

PRESIDENT'S VISION FOR SPACE EXPLORATION

Committee on Science: Held a hearing on the President's Vision for Space Exploration. Testimony was heard from Sean O'Keefe, Administrator, NASA; and

John Marburger III, Director, Office of Science and Technology Policy.

OVERSIGHT—AVIATION SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Aviation Security: Progress and Problems in Passenger and Baggage Screening. Testimony was heard from the following officials of the Transportation Security Administration, Department of Homeland Security: Tom Blank, Assistant Administrator, Transportation Security Policy; and Randy Null, Chief Technology Officer; Cathleen Berrick, Director, Homeland and Justice Division, GAO; and public witnesses.

IRS COMPUTER MODERNIZATION

Committee on Ways and Means: Subcommittee on Oversight held a hearing on IRS Efforts to Modernize its Computer Systems. Testimony was heard from Mark Everson, Commissioner, IRS; Larry Levitan, member, IRS Oversight Board; Robert F. Dacey, Director, Accounting and Information Management Division, GAO; and public witnesses.

BRIEFING—GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

DEPARTMENT OF HOMELAND SECURITY'S PROPOSED FISCAL YEAR BUDGET

Select Committee on Homeland Security: Held a hearing entitled "The Department of Homeland Security's Proposed Fiscal Year 2005 Budget." Testimony was heard from Tom Ridge, Secretary of Homeland Security.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 13, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget: to hold hearings to examine the President's fiscal year 2005 budget proposals, 10 a.m., SD-106.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

12 noon, Monday, February 23

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, February 24

Senate Chamber

Program for Monday, February 23: Senator Breaux will be recognized to read Washington's Farewell Address; following which, Senate will resume consideration of the motion to proceed to consideration of S. 2061, Healthy Mothers and Healthy Babies Access to Care Act.

House Chamber

Program for Tuesday, February 24: To be announced.

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