

Daily Digest

HIGHLIGHTS:

- Senate agreed to S. Con. Res. 98, Adjournment Resolution.
- Senate agreed to S. Res. 319, Condemning Terrorist Attacks in Spain.
- Senate agreed to S. Con. Res. 95, Congressional Budget Resolution.
- The House passed H.R. 3717, Broadcast Decency Enforcement Act of 2004.

Senate

Chamber Action

Routine Proceedings, pages S2651–S2753

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 2194–2206, S.J. Res. 29, S. Res. 318–319, and S. Con. Res. 98.

Pages S2716–17

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 98, providing for a conditional adjournment or recess of the Senate.

Page S2710

Condemning Terrorist Attacks in Spain: By a unanimous vote of 96 yeas (Vote No. 43), Senate agreed to S. Res. 319, expressing the sense of the Senate with respect to the deadly terrorist attacks against the people of Spain that occurred on March 11, 2004.

Pages S2641–43

Congressional Budget Resolution: By 51 yeas to 45 nays (Vote No. 58), Senate agreed to S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, after taking action on the following amendments proposed thereto:

Pages S2591–S2641, S2643–99

Adopted:

Mikulski Amendment No. 2820, to provide a deficit neutral reserve fund to provide a tuition tax credit.

Page S2648

Coleman Amendment No. 2821, to provide \$1.9 billion to increase the maximum Pell Grant from \$4,050 to \$4,500 by reducing spending in other Federal Government programs, except education programs, by a commensurate amount.

Pages S2648–49

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Feinstein/Hollings Amendment No. 2753, to express the sense of the Senate regarding funding for port security.

Page S2649

Murkowski/Campbell Amendment No. 2822, to increase funding for the Indian Health Services.

Pages S2651–52

Inhofe/Bingaman Amendment No. 2823, to return to the original scoring of the energy savings performance contract program.

Pages S2655–56

Nickles (for Conrad) Amendment No. 2831, to express the sense of the Senate regarding tribal colleges and universities.

Page S2656

Nickles (for Bingaman) Amendment No. 2833, to establish a reserve fund for expansion of the pediatric vaccine distribution program.

Page S2656

Nickles (for Wyden) Amendment No. 2717, to increase investments in implementation of the Healthy Forests Restoration Act to benefit national forests, the environment, local communities, and local economies.

Page S2656

Nickles (for Kennedy/Rockefeller) Amendment No. 2699, to prevent unspent SCHIP funds from reverting to the Treasury rather than being used to provide coverage for low-income children.

Pages S2656–57

Nickles (for Thomas) Amendment No. 2794, to restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2004 levels and offset this change by reductions in overall government travel expenses.

Page S2656

Nickles (for Pryor) Modified Amendment No. 2810, stating the sense of the Senate regarding the

Low-Income Home Energy Assistance Program and the weatherization assistance program. **Pages S2656–57**

Enzi/Cantwell Amendment No. 2832, to increase funding for the Workforce Investment Act (WIA) by \$250 million in fiscal year 2005, by increasing function 500. **Page S2657**

Conrad (for Clinton) Amendment No. 2780, to establish a reserve fund for addressing minority health disparities. **Pages S2657–58**

Crapo Amendment 2784, to increase funding for the Environmental Protection Agency for the Clean Water and Safe Drinking Water State Revolving Funds. **Pages S2659–63**

Nickles (for Lincoln) Amendment No. 2837, to prevent tax increases for families who receive child tax credit. **Page S2664**

Nickles (for Grassley) Amendment No. 2838, expressing the sense of the Senate for support of funding restoration for agriculture research and extension. **Page S2664**

Nickles (for Snowe) Amendment No. 2839, to increase funding for the SBA 7(a) loan guarantee, Microloan and other small business programs and to offset the cost of that spending through across-the-board cuts in function 920. **Page S2664**

Nickles (for Sessions/Cornyn) Amendment No. 2733, to provide full funding for NASA's fiscal year 2005 space exploration initiatives. **Page S2664**

By 52 yeas to 43 nays (Vote No. 54), Levin/Collins Amendment No. 2817, to lower crude oil prices resulting from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve and using the funding made available to provide \$1.7 billion in funding for homeland security grants for first responders, firefighter assistance, and port security, and to reduce the debt. **Pages S2664–66**

Nickles (for Hagel) Amendment No. 2841, to express the sense of the Senate on the need for a United States animal identification program as an effective disease surveillance, monitoring, and control tool serving the needs of the United States livestock industry and public health. **Page S2668**

Nickles (for Santorum) Amendment No. 2842, to reaffirm the United States ratio for contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria. **Page S2668**

Nickles (for Hatch) Amendment No. 2843, to restore law enforcement assistance, and juvenile justice assistance, especially title V, and JAB6, to the Department of Justice. **Page S2668**

Nickles (for Dole/Leahy) Amendment No. 2844, to express the sense of the Senate concerning child nutrition funding. **Pages S2668–69**

By 72 yeas to 24 nays (Vote No. 56), Specter/Collins Modified Amendment No. 2741, to increase discretionary health funding by \$2,000,000,000. **Pages S2669–71**

Nickles (for Lugar) Amendment No. 2845, to provide for an increase and a decrease in funding for certain programs. **Pages S2671–73**

Murkowski Amendment No. 2846, to increase veterans medical care by \$1,200,000,000. **Pages S2673–74**

Nickles (for Grassley) Amendment No. 2847, to express the sense of the Senate regarding compensation for exposure to toxic substances at Department of Energy facilities. **Page S2674**

Nickles (for Byrd/Cochran) Amendment No. 2848, to correct the scoring for Project Bioshield. **Pages S2674–75**

Nickles (for Dorgan) Amendment No. 2850, to increase budget authority and outlays in Function 450 (Community and Regional Development) and Function 500 (Education, Training, Employment, and Social Security) to establish a New Homestead Venture Capital Fund to make equity and near equity investments in start-up and expanding businesses located in high out-migration rural counties and to repay up to 50 percent of college loans (up to \$10,000) for recent graduates who live and work in such counties for five years, respectively; and to express the sense of the Senate that any revenue measure passed by Congress in the future should include tax incentives designed to address the devastating problem of chronic out-migration from rural communities in America's Heartland and that those tax incentives should be fully offset. **Pages S2676–77**

Nickles (for DeWine/Leahy) Amendment No. 2697, to increase the new budget authority in the International Affairs function by \$330,000,000 for fiscal year 2005 to provide adequate funding for the Child Survival and Health Program, with a corresponding offset in function 920. **Pages S2676–77**

Nickles (for DeWine) Amendment No. 2715, to increase funding to facilitate reconstruction in Haiti. **Pages S2676–77**

Nickles (for Lugar) Amendment No. 2785, to express the sense of the Senate concerning summer food pilot projects. **Page S2681**

Nickles (for Specter) Amendment No. 2851, to strike section 404. **Page S2681**

Nickles (for Collins/Carper) Amendment No. 2852, to provide a deficit neutral reserve fund for Postal Service reform. **Page S2681**

Landrieu Amendment No. 2775, to provide for eliminating the Survivor Benefit Plan-Social Security offset for military widows and widowers while reducing the debt, offset by the elimination of tax benefits

to individuals and corporations that avoid United States taxation by establishing a foreign domicile and other tax loopholes and tax shelters.

Pages S2658–59, S2682

Rejected:

By 41 yeas to 53 nays (Vote No. 41), Boxer Amendment No. 2783, to create jobs, to discourage the shipping of jobs overseas, and provide adjustment assistance for dislocated workers, by changing the tax treatment of certain income from runaway plants, and by reducing tax breaks for certain individuals.

Pages S2592–S2606, S2640, S2687

By 41 yeas to 55 nays (Vote No. 42), Sarbanes Amendment No. 2789, to fully fund the FIRE and SAFER Acts and reduce tax breaks for certain individuals.

Pages S2606–11, S2640–41

By 41 yeas to 55 nays (Vote No. 44), Dorgan Amendment No. 2793, to increase funding for COPS, Byrne grants, and Local Law Enforcement Block Grants, and reduce tax breaks for certain individuals.

Pages S2611–20, S2643–44

By 44 yeas to 52 nays (Vote No. 45), Lautenberg Amendment No. 2703, to reduce debt and require the industries responsible for producing products that contaminate toxic waste sites and industries who are exempt from liability for such contamination, to help pay for the cleanup by reinstating the Superfund polluter pays fees, and to reduce the deficit.

Pages S2629–30, S2639–40, S2644

By 32 yeas to 64 nays (Vote No. 46), Harkin Amendment No. 2799, to provide for increased resources for medical research, disease control, wellness, tobacco cessation and preventative health efforts including substance abuse and mental health services, establishing a fund for this purpose, offset by an increase in the cigarette tax to \$1 and proportional increases in other tobacco excise taxes and deficit reduction.

Pages S2620–26, S2644–45

By 43 yeas to 53 nays (Vote No. 47), Lincoln Amendment No. 2803, to provide \$60 billion over five years for greater health security for working Americans and their families through a combination of public and private efforts to expand quality, affordable health insurance coverage and cut health care costs by eliminating certain tax loopholes.

Pages S2645–46

By 43 yeas to 53 nays (Vote No. 48), Byrd Amendment No. 2804, to provide responsible restraints on discretionary funding while providing adequate resources for education, veterans, homeland security, and other critical domestic priorities and fully offsetting the cost by closing corporate tax loopholes, improving tax enforcement and reducing tax breaks for certain individuals.

Pages S2626–29, S2646

By 40 yeas to 57 nays (Vote No. 50), Lieberman Amendment No. 2807, to restore cuts and increase funding for homeland security programs and reduce the debt by reducing tax breaks for certain individuals.

Pages S2631–35, S2647

By 44 yeas to 53 nays (Vote No. 51), Conrad (for Kennedy) Amendment No. 2725, to create a reserve fund to finance an increase in the maximum Pell Grant that keeps pace with the rate of increase in public college tuition, extend Pell Grants to 500,000 new recipients, and close certain tax loopholes.

Pages S2635–38, S2647–48

By 42 yeas to 54 nays (Vote No. 52), Daschle Amendment No. 2774, to create a reserve fund to allow for an increase in Indian Health Service Clinical Services by \$3.44 billion and lower the national debt by eliminating certain tax loopholes or reducing tax breaks for individuals with incomes in excess of \$1 million per year.

Pages S2649–52

By 42 yeas to 54 nays (Vote No. 53), Dodd Amendment No. 2762, to create a reserve fund to allow for an increase in the 21st Century Community Learning Centers Program by \$1 billion and to eliminate certain tax loopholes.

Pages S2652–53

By 42 yeas to 54 nays (Vote No. 57), Lautenberg Amendment No. 2797, to strike the provision for raising the debt limit.

Pages S2675–76

Dayton Amendment No. 2786, to provide full mandatory funding for the Individuals with Disabilities Education Act (IDEA) part B grants over five years by reducing tax breaks for the wealthiest taxpayers.

Pages S2677–78

Reed Amendment No. 2790, to create a reserve fund to increase funding for college and student financial aid programs, including the Pell Grant program, campus-based assistance, Leveraging Educational Assistance Partnership, TRIO, GEAR UP, and graduate level programs, and lower the national debt by closing certain tax loopholes.

Page S2678

Withdrawn:

Kyl Amendment No. 2849, to create a reserve fund to permit an increase in veteran's medical care that is fully offset with an assessment on excessive lawyer fees paid under the tobacco settlement.

Pages S2678–81

Corzine Amendment No. 2777, to eliminate tax breaks for those with incomes greater than \$1 million and reserve the savings to prevent future cuts in Social Security benefits.

Page S2682

Santorum Amendment No. 2853, to provide for an increase and a decrease in funding for certain programs.

Pages S2682–84

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

By 43 yeas to 53 nays (Vote No. 49), three-fifths of those Senators duly chosen and sworn, not having

voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, with respect to Bingaman Amendment No. 2765, to ensure that legislation is not enacted that increases the number of taxpayers affected by the alternative minimum tax. Subsequently, the point of order that the amendment was in violation of section 305 of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls.

Pages S2630–31, S2646–47

By 51 yeas to 45 nays (Vote No. 55), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the point of order that McConnell Amendment No. 2840, to prohibit future income tax hikes on upper incomes that fail to exempt small businesses that file individual income tax returns as partnerships, sole proprietors, or subchapter S corporations, was not germane. Subsequently, the point of order was sustained and the amendment thus falls.

Pages S2666–68

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany the United Nations Convention on the Law of the Sea, with declarations and understandings. (Treaty Doc. 103–39) (Ex. Rept. 108–10)

Pages S2712–16

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

Transmitting a report of the continuation of the national emergency with respect to Iran that was declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs. (PM–73)

Page S2710

Appointments:

National Commission of Small Community Air Service: The Chair, on behalf of the Majority Leader pursuant to Public Law 108–176, Section 411(b)(1)(B), appointed the following individual to serve as a member of the National Commission of Small Community Air Service: Mayor Bob Corker of Chattanooga, Tennessee.

Page S2752

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 92 yeas (Vote No. 59), Louis Guirola, Jr., of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Page S2699

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Neil Vincent Wake, of Arizona, to be United States District Judge for the District of Arizona.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Political Director for the United States Presidency of the G–8.

Sanford Gottesman, of Texas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005. (Reappointment)

C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005. (Reappointment)

Robert Hurley McKinney, of Indiana, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2004.

Mark J. Warshawsky, of Maryland, to be an Assistant Secretary of the Treasury.

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.

Mark B. McClellan, of the District of Columbia, to be Administrator of the Centers for Medicare and Medicaid Services.

Routine lists in the Coast Guard. **Page S2753**

Nominations Received: Senate received the following nominations:

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from

October 27, 2002. (Reappointment)

Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury.

Lewis W. Lucke, of Texas, to be Ambassador to the Kingdom of Swaziland.

Earle I. Mack, of New York, to be Ambassador to the Republic of Finland.

Jackson McDonald, of Florida, to be Ambassador to the Republic of Guinea.

John M. Ordway, of California, to be Ambassador to the Republic of Kazakhstan.

32 Army nominations in the rank of general.

5 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Navy. **Page S2752**

Messages From the House: **Page S2710**

Measures Referred: **Pages S2710–11**

Measures Placed on Calendar: **Page S2711**

Executive Communications: **Pages S2711–12**

Executive Reports of Committees: **Pages S2712–16**

Additional Cosponsors: **Pages S2717–20**

Statements on Introduced

Bills/Resolutions: **Pages S2720–29**

Additional Statements: **Pages S2709–10**

Amendments Submitted: **Pages S2729–51**

Notices of Hearings/Meetings: **Page S2751**

Authority for Committees To Meet: **Page S2751**

Privilege of the Floor: **Pages S2751–52**

Record Votes: Nineteen record votes were taken today. (Total—59) **Page S2640, S2641, S2643, S2644,**

S2645, S2646, S2647, S2648, S2651, S2653, S2666, S2667–68, S2671, S2675–76, S2699

Adjournment: Senate convened at 9:30 a.m., and adjourned at 1:44 a.m., on Friday, March 12, 2004, until 10 a.m., on the same day. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2752.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Forest Service of the Department of Agriculture, after receiving testimony from Dale N. Bosworth, Chief, Forest Service, and Mark E. Rey, Under Secretary for Natural Resources and Environment, both of the Department of Agriculture.

APPROPRIATIONS: NASA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the National Aeronautics and Space Administration (NASA), after receiving testimony from Sean O'Keefe, Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS: LIBRARY OF CONGRESS

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Library of Congress, after receiving testimony from James H. Billington, Librarian of Congress; and Donald L. Scott, Deputy Librarian of Congress.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization Request for fiscal year 2005, focusing on missile defense after receiving testimony from Michael W. Wynne, Acting Under Secretary of Defense for Acquisition, Technology and Logistics; Admiral James O. Ellis, Jr., USN, Commander, United States Strategic Command; Thomas P. Christie, Director, Operational Test and Evaluation; Lieutenant General Ronald T. Kadish, USAF, Director, Missile Defense Agency; and Lieutenant General Larry J. Dodgen, USA, Commander, Space and Missile Defense Command.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the defense authorization request for fiscal year 2005 and the future years defense program, focusing on Army Transformation, after receiving testimony from Claude M. Bolton, Jr., Assistant Secretary of the Army for Acquisition, Logistics and Technology; General George W. Casey, Jr., USA, Vice Chief of Staff, United States Army; and Major General John M. Curran, USA, Director, Future Centers, Headquarters, U.S. Army Training and Doctrine Command.

PRESCRIPTION DRUG IMPORTATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine prescription drug importation and related matters, focusing on reducing drug costs, safety concerns relating to importation, recent action by the States, drug counterfeiting, and the Medicare importation study and task force, after receiving testimony from Representatives Burton and Sanders; and Mark B. McClellan, Commissioner, Food and Drug Administration, Department of Health and Human Services.

ABANDONED MINE LANDS PROGRAM

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2086, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S.2049, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned