

# Daily Digest

## HIGHLIGHTS

The House passed H.R. 4279, to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

The House passed H.R. 4280, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2004.

House Committees ordered reported 20 sundry measures, including the National Defense Authorization Act for Fiscal Year 2005 and the Postal Accountability and Enhancement Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S5241–S5382*

**Measures Introduced:** Three bills and five resolutions were introduced, as follows: S. 2412–2414, S. Res. 357–359, and S. Con. Res. 107–108.

**Pages S5371–72**

#### Measures Passed:

*Authorizing Use of Capitol Grounds:* Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 388, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service, and the resolution was then agreed to. **Page S5381**

*Authorizing Use of Capitol Grounds:* Senate agreed to H. Con. Res. 389, authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run. **Page S5381**

*Free Enterprise Education Week:* Senate agreed to S. Res. 359, designating the Week of April 11 through April 17, 2004, as "Free Enterprise Education Week." **Page S5381**

*Recognizing Science Program Anniversary:* Senate agreed to S. Con. Res. 107, recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment of Congress to support the use of science in governmental decision-making through such program. **Page S5381**

*Supporting Tinnitus Awareness Week:* Senate agreed to S. Con. Res. 108, supporting the goals and ideals of Tinnitus Awareness Week. **Page S5382**

**IDEA Reauthorization:** Pursuant to the order of May 11, 2004, Senate began consideration of S. 1248, to reauthorize the Individuals with Disabilities Education Act, taking action on the following amendments proposed thereto: **Pages S5250–S5360**

#### Adopted:

By 96 yeas to 1 nay (Vote No. 92), Gregg Amendment No. 3145, to authorize appropriations for part B of the Individuals with Disabilities Education Act. **Pages S5328–44**

Clinton Amendment No. 3146, to require the Department of Education to participate in the long-term child development study authorized under the Children's Health Act of 2000. **Pages S5345–48**

Gregg Amendment No. 3147, to provide for attorney's fees. **Pages S5348–53**

Murray Amendment No. 3148, to ensure that children with disabilities who are homeless, are wards of the State, who are in military families, or who move school districts have access to special education services. **Pages S5353–55**

#### Pending:

Gregg (for Santorum) Amendment No. 3149, to provide for a paperwork reduction demonstration. **Pages S5356–60**

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

By 56 yeas to 41 nays (Vote No. 93), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion

to waive section 302(f) of the Congressional Budget Act of 1974, as amended, with respect to Harkin Amendment No. 3144, to amend part B of the Individuals with Disabilities Education Act to reach full Federal funding of such part in 6 years. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, as amended, was sustained, and the amendment thus falls. **Pages S5326–27, S5344**

A unanimous-consent-time agreement was reached providing that following morning business on Thursday, May 13, 2004, Senate resume consideration of the bill, that there be 30 minutes equally divided with respect to Gregg (for Santorum) Amendment No. 3149; that it be in order for Senator Bingaman to offer one relevant second-degree amendment to Amendment No. 3149; that the only other amendment in order be a manager's amendment; that following the disposition of the amendments, there be 20 minutes of debate remaining on the bill. **Page S5356**

**Messages From the House:** **Page S5369**

**Measures Referred:** **Page S5369**

**Executive Communications:** **Pages S5369–71**

**Executive Reports of Committees:** **Page S5371**

**Additional Cosponsors:** **Pages S5372–73**

**Statements on Introduced Bills/Resolutions:**  
**Pages S5373–77**

**Additional Statements:** **Pages S5367–69**

**Amendments Submitted:** **Pages S5377–80**

**Authority for Committees to Meet:** **Pages S5380–81**

**Privilege of the Floor:** **Page S5381**

**Record Votes:** Two record votes were taken today. (Total—93) **Pages S5344, S5345**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 6:31 p.m., until 9:30 a.m., on Thursday, May 13, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5382.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: DEPARTMENT OF DEFENSE

*Committee on Appropriations:* Subcommittee on Defense concluded hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense, after receiving testimony from Donald H. Rumsfeld, Secretary, and Larry Lanzillotta, Acting Under Secretary (Comptroller), both of the Depart-

ment of Defense; and General Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff.

### NOMINATIONS

*Committee on Armed Services:* On Tuesday, May 11, Committee ordered favorably reported the nominations of William A. Chatfield, of Texas, to be Director of Selective Service, Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration, Mark Falcoff, of California, to be a Member of the National Security Education Board, Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, and Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

### TELECOMMUNICATIONS POLICY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the future of telecommunications policy, focusing on a view from the industry relating to mobility and broadband networks, after receiving testimony from Ivan Seidenberg, Verizon Communications, Washington, D.C.; Brian L. Roberts, Comcast Corporation, Philadelphia, Pennsylvania; Scott Ford, ALLTEL Corporation, Little Rock, Arkansas; C. Garry Betty, EarthLink, Inc., Atlanta, Georgia; and Delbert Wilson, Central Texas Telephone Cooperative, Goldthwaite, Texas, on behalf of the National Telecommunications Cooperative Association.

### GASOLINE

*Committee on Environment and Public Works:* Committee concluded a hearing to examine the environmental regulatory framework affecting oil refining and gasoline policy, focusing on domestic refining capacity, the fuel supply, reformulated gasoline, low-sulfur fuels, and reducing incentives for market manipulation, after receiving testimony from Bob Slaughter, on behalf of the National Petrochemical and Refiners Association, and the American Petroleum Institute, A. Blakeman Early, American Lung Association, and Mark Cooper, Consumer Federation of America, on behalf of the Consumers Union, all of Washington, D.C.; Michael Ports, Ports Petroleum Company, Inc, Wooster, Ohio, on behalf of the Society of Independent Gasoline Marketers of America and the National Association of Convenience Stores, and John R. Doshier, Jacobs Consultancy, Houston, Texas.

### AFGHANISTAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine continuing challenges in Afghanistan, focusing on allied efforts to defeat Al-