

Nominations Received: Senate received the following nominations:

Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

Linda Morrison Combs, of North Carolina, to be an Assistant Secretary of Transportation.

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

Cynthia G. Efird, of the District of Columbia, to be Ambassador to the Republic of Angola.

Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium.

Eugene Hickok, of Pennsylvania, to be Deputy Secretary of Education.

Edward R. McPherson, of Texas, to be Under Secretary of Education.

20 Navy nominations in the rank of admiral.

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Measures Referred: Page S5471

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Statements on Introduced Bills/Resolutions:
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Authority for Committees to Meet: Pages S5484–85

Privilege of the Floor: Page S5485

Text of H.R. 1350, as Previously Passed:
Pages S5411–51

Record Votes: One record vote was taken today. (Total—94) Page S5411

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:22 p.m., until 9:30 a.m., on Friday, May 14, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5485.)

Committee Meetings

(Committees not listed did not meet)

COMMODITY FUTURES TRADING COMMISSION REGULATORY ISSUES

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine Commodity Futures Trading Commission regulatory issues, focusing on how the markets have evolved in response

to the Commodity Futures Modernization Act of 2000, after receiving testimony from James E. Newsome, Chairman, Commodity Futures Trading Commission.

CONTINGENCY RESERVE FUND

Committee on Armed Services: Committee concluded a hearing to examine the contingency reserve fund request for fiscal year 2005, after receiving testimony from Paul D. Wolfowitz, Deputy Secretary, and Larry Lanzillotta, Acting Under Secretary (Comptroller), both of the Department of Defense; General Peter Pace, USMC, Vice Chairman of the Joint Chiefs of Staff; and Joel D. Kaplan, Deputy Director, Office of Management and Budget.

CONTRACTING IN IRAQ

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine acquisition policy issues in review of the Defense Authorization Request for fiscal year 2005, after receiving testimony from Michael W. Wynne, Acting Under Secretary of Defense for Acquisition, Technology and Logistics; Tina Ballard, Deputy Assistant Secretary of the Army for Policy and Procurement; Major General Carl Strock, USA, Director of Civil Works, U.S. Army Corps of Engineers; and Major General Wade H. McManus, Jr., USA, Commanding General, U.S. Army Field Support Command.

DOD TASK FORCE

Committee on Armed Services: Committee met in closed session to receive a briefing on the Report of the Department of Defense Task Force on Care for Victims of Sexual Assault from Ellen P. Embrey, Deputy Assistant for Force Health Protection and Readiness, and David S.C. Chu, Under Secretary for Personnel and Readiness, both of the Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Major General David H. Petraeus, USA, to be lieutenant general and Chief, Office of Security Transition—Iraq.

IMPACT OF MARRIAGE AND DIVORCE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded a hearing to examine social science data on the impact of marriage and divorce on children, focusing on marital education, trends in cohabitation, and out-of-wedlock births, after receiving testimony from Gordon Berlin, MDRC, Inc., New York, New York; Steven L. Nock, University of Virginia Department of Sociology, Charlottesville; Nicholas Zill,

Westat, Inc., Rockville, Maryland; Gerald L. Campbell, Impact Group, Inc., Oakton, Virginia; and Patrick F. Fagan, Heritage Foundation, and Margy Waller, Brookings Institute, both of Washington, D.C.

MULTILATERAL DEVELOPMENT BANK CORRUPTION

Committee on Foreign Relations: Committee concluded a hearing to examine combating corruption in the multilateral development banks, focusing on improving governance, increasing transparency and combating corruption, after receiving testimony from Carole Brookins, The World Bank, Hector Morales, Inter-American Development Bank, Manish Bapna, Bank Information Center, Nancy Zucker Boswell, Transparency International—USA, and Jerome I. Levinson, American University Washington College of Law, all of Washington, D.C.; and Jeffrey A. Winters, Northwestern University Department of Politics, Evanston, Illinois.

TRADE AND TOURISM IN A TIME OF TERRORISM

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine challenges and accomplishments as the European Union and the United States promote trade and tourism in a terrorism environment, after receiving testimony from Stewart Verdery, Assistant Secretary of Homeland Security for Border and Transportation Security; Jonathan Faull, Director General, European Commission, Brussels, Belgium; Bill Connors, National Business Travel Association, Alexandria, Virginia; and Christopher L. Koch, World Shipping Council, Washington, D.C.

RAISING PREMATURE BABIES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine causes, research and prevention of premature births, after receiving testimony from Duane F. Alexander, Director, National Institute of Child Health and Human Development, National Institutes of Health, Peter C. Van Dyck, Associate Administrator for Child and Maternal Health, Health Resources and Services Administration, and Eve Lackritz, Chief, Maternal and Infant Health

Branch, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, all of the Department of Health and Human Services; Jennifer L. Howse, March of Dimes, White Plains, New York; Charles J. Lockwood, Yale University Medical School Department of Obstetrics, Gynecology, and Reproductive Sciences, New Haven, Connecticut; and Kelly Bolton Jordon, Memphis, Tennessee.

BUSINESS MEETING

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights ordered favorably reported to the full Committee, S.J. Res. 23, proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated, with an amendment.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1609, to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support, with an amendment in the nature of a substitute;

S. Res. 331, designating June 2004 as “National Safety Month”.

Also, Committee began consideration of S. 1735, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, but did not complete action thereon.

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

Measures Introduced: 12 public bills, H.R. 4358–4369; and 6 resolutions, H. Con. Res. 422–426, and H. Res. 642, were introduced.

Pages H3015–16

Additional Cosponsors:

Pages H3016–17

Reports Filed: Reports were filed today as follows:

H.R. 2729, to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission, amended (H. Rept. 108–486);

H.R. 2728, to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration, amended (H. Rept. 108–487);

H.R. 2730, to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration, amended, referred sequentially to the House Committee on the Judiciary for a period ending not later than May 17, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 108–488, Pt. 1); and

H.R. 2731, to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration, amended, referred sequentially to the House Committee on the Judiciary for a period ending not later than May 17, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 108–489, Pt. 1).

Pages H3014–15

Chaplain: The prayer was offered today by Rev. Dr. Larry D. Pickens, Senior Pastor, First United Methodist Church in Elgin, Illinois.

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50th Anniversary of the Brown v. Board of Education decision: The House agreed to H. Con. Res. 414, expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown, by a yea-and-nay vote of 406 yeas to 1 nay, Roll No. 176.

Pages H2925–33, H2987–88

The measure was considered under a unanimous consent agreement reached on Wednesday, May 12.

Permanent Extension of 10-Percent Individual Income Tax Rate Bracket bill: The House passed

H.R. 4275, to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket, by a recorded vote of 344 yeas to 76 noes, Roll No. 170. **Pages H2933–49**

Rejected the Tanner amendment in the nature of a substitute, printed in H. Rept 108–483, by a yea-and-nay vote of 190 yeas to 227 nays, Roll No. 169.

Pages H2941–49

H. Res. 637, the rule providing for consideration of the bill was agreed to on Wednesday, May 12.

Budget Resolution for FY 2005—Motion to Instruct Conferees: The House rejected the Pomeroy motion to instruct conferees on S. Con. Res. 95, original concurrent resolution 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, by a yea-and-nay vote of 207 yeas to 211 nays, Roll No. 171.

Pages H2949–50

Small Business Health Fairness Act of 2004: The House passed H.R. 4281, to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, by a yea-and-nay vote of 252 yeas to 162 nays and one voting "present", Roll No. 174.

Pages H2951–86

Rejected the McCarthy motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with amendments, by a recorded vote of 196 yeas to 218 noes, Roll No. 173.

Pages H2984–86

Rejected the Kind amendment in the nature of a substitute printed in part B of H. Rept. 108–484, by a yea-and-nay vote of 193 yeas to 224 nays, Roll No. 172.

Pages H2976–84

H. Res. 638, the rule providing for consideration of the bill was agreed on Wednesday, May 12.

Pursuant to section 4 of H. Res. 638, the text of H.R. 4280 and H.R. 4281 will be appended to the engrossment of H.R. 4279, and H.R. 4280 and H.R. 4281 shall be laid on the table.

Page H2986

Also pursuant to section 4 of H. Res. 638, the title of H.R. 4279 is conformed to reflect the addition of the text of H.R. 4280 and H.R. 4281. Conformed so as to read: to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.