

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7117–S7202

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 2555–2560, and S. Res. 387–388. **Page S7174**

Measures Reported: S. 2559, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005. **Page S7174**

Measures Passed:

TANF AND Related Programs Continuation Act: Senate passed H.R. 4589, to authorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, clearing the measure for the President. **Pages S7200–01**

Hong Kong: Senate passed S.J. Res. 33, expressing support for freedom in Hong Kong, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7201–02**

Frist (for Feinstein) Amendment No. 3473, to express support for democratic activity in Hong Kong. **Pages S7201–02**

National Defense Authorization Act: Senate continued consideration of S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, taking action on the following amendments proposed thereto: **Pages S7120–62**

Adopted:

Burns/Ensign Modified Amendment No. 3457 (to Amendment No. 3235), to provide for consideration of additional factors in indecency penalties issued by the Federal Communications Commission. **Pages S7120, S7127–29**

By 99 yeas to 1 nay (Vote No. 134), Brownback Amendment No. 3464 (to Amendment No. 3235), to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. **Page S7129**

Reid (for Dorgan) Amendment No. 3465 (to Amendment No. 3235), to increase FCC's authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming. **Pages S7129–30**

Reid (for Hollings) Amendment No. 3466 (to Amendment No. 3235), to protect children from violent programming. **Page S7130**

Brownback Amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. **Page S7130**

By 54 yeas to 46 nays (Vote No. 135), Warner (for McCain) Amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197), in the nature of a substitute. **Pages S7131–34**

Levin (for Daschle) Modified Amendment No. 3329, to increase amounts provided under the Defense Health Program and RDT&E for the Army for research and development relating to leishmaniasis, the skin ailment resulting from parasitic sand flies in Iraq, and to provide an offset. **Page S7152**

Warner Modified Amendment No. 3433, to authorize, and authorize the appropriations of, \$5,500,000 for military construction at F.E. Warren Air Force Base, Wyoming, and to provide an offset. **Pages S7152–53**

Levin (for Nelson (FL)) Modified Amendment No. 3234, to make available, from amounts for operation and maintenance for the Army, \$10,000,000 for the Family Readiness Program of the National Guard, and to provide an offset. **Page S7153**

Warner Amendment No. 3430, to improve authorities under the alternative authority for acquisition and improvement of military housing. **Page S7156**

Warner (for Chambliss) Amendment No. 3293, to require a GAO analysis of the potential for using transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense. **Page S7156**

Levin (for Dayton) Modified Amendment No. 3333, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom,

Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism.

Page S7158

Warner Amendment No. 3471, to increase the amount for RDT&E, Defense-Wide, to provide for joint threat warning system maritime variants, and to provide an offset.

Page S7153

Levin (for Kennedy) Modified Amendment No. 3289, to provide an additional amount for the Department of Defense One Source counseling and referral hotline, and to provide an offset.

Page S7153

Warner (for Lott/Cochran) Modified Amendment No. 3179, to set aside \$3,000,000 of the RDT&E, Navy, funds for development and testing of the advanced Ferrite Antenna.

Pages S7132–33, S7153

Levin (for Reed) Modified Amendment No. 3351, to increase by \$5,000,000 the amount authorized to be appropriated for research, development, test, and evaluation, Navy, and to allocate the amount of the increase for Program Element PE 0604503N for a prototype littoral array system for operating submarines, and to provide an offset.

Page S7153

Warner (for Santorum) Modified Amendment No. 3239, to increase by \$5,000,000 the amount authorized to be appropriated for fiscal year 2005 for the Army for procurement for weapons and tracked combat vehicles for the purpose of procuring M109-based command-and-control vehicles or field artillery ammunition support vehicles.

Page S7153

Levin (for Pryor) Modified Amendment No. 3264, to recognize the sacrifices of the members of the Armed Forces who are injured in combat.

Page S7153

Levin (for Bayh) Modified Amendment No. 3157, to authorize an additional \$2,000,000 for research, development, test, and evaluation, Defense-wide activities, for Advanced Manufacturing Technologies, and \$3,000,000 for research, and to provide an offset for the amounts.

Pages S7153–54, S7152

Warner Amendment No. 3429, to provide exceptions to the bilateral agreement requirement for transfers of defense items to the United Kingdom and Australia.

Pages S7153–54

Levin (for Daschle/Frist) Modified Amendment No. 3327, to require a report on establishing national centers of excellence for unmanned aerial and ground vehicles.

Pages S7154–55

Warner Modified Amendment No. 3431, to provide authority to transfer naval vessels to certain foreign countries.

Page S7155

Levin Modified Amendment No. 3337, to require a report on the post-major combat operations phase of Operation Iraqi Freedom.

Page S7155

Levin (for Boxer) Amendment No. 3367, to amend title 10, United States Code, to exempt abor-

tions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds.

Page S7156

Warner (for Inhofe) Modified Amendment No. 3198, to increase the amount of assistance authorized to be provided by the Secretary of Defense to Iraq and Afghanistan military or security forces during fiscal year 2005.

Page S7156

Levin (for Graham (FL)) Modified Amendment No. 3365, to authorize a pilot program on cryptologic service training.

Page S7156

Levin (for Feingold) Modified Amendment No. 3399, to require the Comptroller General to conduct a study of transition assistance provided for members of the Armed Forces being discharged or released from active duty; to require a related study; and to add to the content of pre-separation counseling for the members.

Pages S7156–57

Warner (for Ensign) Modified Amendment No. 3325, to extend to current Javits-Wagner-O'Day Act contracts for the operation of military dining facilities a limitation on the applicability of the Randolph-Sheppard Act to the operation of such facilities.

Page S7157

Levin (for Clinton) Modified Amendment No. 3204, to require a Comptroller General report on closure of Department of Defense dependent elementary and secondary schools and commissary stores.

Pages S7157–58

Warner (for McCain) Modified Amendment No. 3441, to impose limitations and requirements for the acquisition of aerial refueling aircraft for the Air Force.

Page S7158

Warner (for McCain) Amendment No. 3319, to repeal certain requirements and limitations relating to the defense industrial base.

Page S7158

Levin Amendment No. 3339, to modify the priority afforded applications for national defense tank vessel construction assistance.

Page S7158

Rejected:

By 44 yeas to 56 nays (Vote No. 133), Levin Amendment No. 3338, to reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism.

Pages S7120–28

Withdrawn:

Reid Amendment No. 3469 (to Amendment No. 3387), to direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States.

Pages S7138–40

Pending:

Bond Modified Amendment No. 3384, to include certain former nuclear weapons program workers in

the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose. **Page S7120**

Reed Amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation. **Page S7120**

Bingaman Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention. **Page S7120**

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute. **Page S7120**

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority. **Page S7120**

Landrieu/Snowe Amendment No. 3315, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and to provide for a one-year open season under that plan. **Page S7120**

Reid (for Daschle) Amendment No. 3409, to assure that funding is provided for veterans' health care each fiscal year to cover increases in population and inflation. **Pages S7128–29**

Ensign Amendment No. 3467 (to Amendment No. 3315), to provide a fiscally responsible open enrollment authority. **Page S7134**

Daschle Amendment No. 3468 (to Amendment No. 3409), to assure that funding is provided for veterans' health care each fiscal year to cover increases in population and inflation. **Pages S7134–37**

Reid (for Akaka) Amendment No. 3414, to provide for fellowships for students to enter Federal service. **Page S7137**

Reid (for Leahy) Amendment No. 3387, relative to the treatment of foreign prisoners. **Pages S7137–38**

Warner (for Lott) Amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment.

Warner (for Bennett/Hatch) Amendment No. 3373, to provide for the protection of the Utah Test and Training Range.

Warner (for Bennett) Amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress.

Warner (for Inhofe) Amendment No. 3280, to reauthorize energy saving performance contracts.

Warner (for McCain) Amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force.

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force.

Warner (for McCain) Amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force.

Warner (for McCain) Amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force.

Levin (for Biden/Lugar) Amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports. **Page S7152**

Levin (for Byrd) Amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia. **Page S7152**

Levin (for Byrd) Amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed. **Page S7152**

Levin (for Corzine) Amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55. **Page S7152**

Levin (for Daschle) Amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet. **Page S7152**

Levin (for Daschle) Amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense. **Page S7152**

Levin (for Dayton) Amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism. **Page S7152**

Levin (for Dodd) Amendment No. 3311, relating to the imposition by the Department of Defense of offsets against certain contractors. **Page S7152**

Levin (for Dodd) Amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas. **Page S7152**

Levin (for Feingold) Amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks.

Pages S7143–44, S7152

Levin (for Graham (FL)) Amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998.

Page S7152

Levin (for Leahy) Amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress.

Page S7152

Levin Amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Page S7152

Levin (for Kennedy) Amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Page S7152

Levin (for Kennedy) Amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region.

Pages S7140–43, S7152

Levin (for Reed/Kohl) Amendment No. 3355, to ensure the soundness of defense supply chains through the support of Manufacturing Extension Partnership centers that improve the productivity and competitiveness of small manufacturers; and to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account.

Page S7152

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 22, 2004.

Page S7162

A unanimous-consent-time agreement was reached providing for the consideration of the following amendments at 9:30 a.m., on Wednesday, June 23, 2004: Corzine Amendment No. 3303 for 30 minutes; Byrd Amendment No. 3423 for 20 minutes; McConnell Amendment relative to the Iraq report and Kennedy Amendment No. 3377 for a total of 30 minutes; and Reed Amendment No. 3353 for 20 minutes; following which, Senate will proceed to a series of consecutive votes in relation to these amendments, with no second-degree amendments in order prior to the votes.

Page S7202

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

Under Senate precedent, Dayton/Feingold Modified Amendment No. 3197, to strike section 842, relative to a conforming standard for waiver of do-

mestic source or content requirement, was rendered moot, when Warner (for McCain) Amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197) listed above, was agreed to.

Page S7134

Sessions Amendment No. 3371, to provide for increased support of survivors of deceased members of the uniformed services, previously agreed to on June 17, 2004, was modified

Pages S7158–60

Bunning (for McConnell/Bunning) Modified Amendment No. 3438, to strike the funding offset for the coverage under the Energy Employee Occupational Illness Compensation Program of atomic weapons employees employed as facilities during period of residual contamination, previously agreed to on June 16, 2004, was further modified.

Page S7159

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the President's report to Congress concerning the Secretary of Commerce's certification under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978) that Iceland has conducted whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program; which was referred to the Committee on Commerce, Science, and Transportation. (PM–88)

Pages S7168–69

Messages From the House: **Page S7169**

Measures Referred: **Page S7169**

Measures Placed on Calendar: **Page S7169**

Executive Communications: **Pages S7173–74**

Executive Reports of Committees: **Pages S7169–73**

Additional Cosponsors: **Pages S7174–76**

Statements on Introduced Bills/Resolutions: **Pages S7176–95**

Additional Statements: **Pages S7166–68**

Amendments Submitted: **Pages S7195–99**

Notices of Hearings/Meetings: **Pages S7199–S7200**

Authority for Committees to Meet: **Page S7200**

Record Votes: Three record votes were taken today. (Total—135) **Pages S7128, S7129, S7134**

Recess: Senate convened at 9:47 a.m., and recessed at 9:58 p.m., until 9:30 a.m., on Wednesday, June 23, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7202.)

Committee Meetings

(Committees not listed did not meet)

DC STRUCTURAL IMBALANCE

Committee on Appropriations: Subcommittee on District of Columbia concluded a hearing to examine the structural imbalance of the District of Columbia, focusing on the gap between the ability of the government of the District of Columbia to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents, after receiving testimony from Representative Tom Davis; District of Columbia Delegate Norton; former Senator Fred Thompson, on behalf of the Federal City Council, Patricia Dalton, Associate Director, General Accounting Office; Mayor Anthony A. Williams, Alice Rivlin, Brookings Institution, Ted Trabue, Greater Washington Board of Trade, and Stephen Trachtenberg, D.C. Chamber of Commerce, all of Washington, D.C.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 2559), making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense approved for full Committee consideration an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

REGULATORY REFORM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine regulatory reform proposals, after receiving testimony from Senators Landrieu and Lincoln; Donald L. Kohn, Member, Board of Governors of the Federal Reserve System; John M. Reich, Vice Chairman, Federal Deposit Insurance Corporation; JoAnn Johnson, Chairman, National Credit Union Administration; Julie L. Williams, First Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency, John E. Bowman, Chief Counsel, Office of Thrift Supervision, both of the Department of the Treasury; John S. Allison, Mississippi Commissioner of Banking and Consumer Finance, Jackson, on behalf of the Conference of State Bank Supervisors; Roger W. Little, Michigan Office of Financial and Insurance Services, Lansing, on behalf of the National Association of State Credit Union Supervisors; Mark E. Macomber, Litchfield Bancorp,

Litchfield, Connecticut, on behalf of America's Community Bankers; Edward Pinto, Lenders Residential Asset Company, LLC, Bethesda, Maryland, on behalf of the National Federation of Independent Business; Dale L. Leighty, First National Bank of Las Animas, Las Animas, Colorado, on behalf of the Independent Community Bankers of America; Bradley E. Rock, Bank of Smithtown, Smithtown, New York, on behalf of the American Bankers Association; Eugene F. Maloney, Federated Investors, Inc., Pittsburgh, Pennsylvania; Marilyn F. James, NEPCO Federal Credit Union, Pueblo, Colorado, on behalf of the Credit Union National Association; Margot Saunders, National Consumer Law Center, and Ed Mierzwinski, U.S. Public Interest Research Group, both of Washington, D.C., both on behalf of sundry organizations; William Cheney, Xerox Federal Credit Union, El Segundo, California, on behalf of the National Association of Federal Credit Unions; and William A. Longbrake, Washington Mutual Incorporated, Seattle, Washington, on behalf of the Financial Services Roundtable.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine aviation security, focusing on Border and Transportation Security Directorate efforts to improve the efficiency and effectiveness of passenger aviation security operations, after receiving testimony from Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security; Thomas J. Kinton, Jr., Massachusetts Port Authority, Boston; and James May, Air Transport Association of America, Inc., and Patricia Friend, Association of Flight Attendants-CWA, both of Washington, D.C.

HIGH-PERFORMANCE COMPUTING

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the Department of Energy's High Performance Computing research and development activities in both the National Nuclear Security Administration and the Office of Science, and S. 2176, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing through the Office of Science, after receiving testimony from James F. Decker, Principal Deputy Director, Office of Science, Jeffrey Wadsworth, Director, Oak Ridge National Laboratory, and Dimitri Kusnezov, Director, Office of Advanced Simulation and Computing, National Nuclear Security Administration, all of the Department of Energy; David Turek, IBM Corporation, Poughkeepsie, New York; Daniel A. Reed, University of North Carolina at Chapel Hill Renaissance Computing Institute; and Vincent Scarafino, Ford Motor Company, Dearborn, Michigan.