

Nomination: Senate began consideration of the nomination of David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8535–36

A motion was entered to close further debate on the nomination and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of July 21, 2004, a vote on cloture will occur on Thursday, July 22, 2004.

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Treaty Approved: The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:

Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment with declarations (Treaty Doc. 108–10).

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Nominations Confirmed: Senate confirmed the following nominations:

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

Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

Thomas Fingar, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

Robert Clark Corrente, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

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Nominations Received: Senate received the following nominations:

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

1 Air Force nomination in the rank of general.

4 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

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Messages From the House: **Page S8541**

Measures Placed on Calendar: **Page S8541**

Measures Read First Time: **Page S8542**

Executive Communications: **Pages S8542–44**

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Statements on Introduced Bills/Resolutions:

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Additional Statements: **Pages S8539–41**

Authority for Committees to Meet: **Pages S8566–68**

Record Votes: One record vote was taken today. (Total—159) **Page S8510**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:16 p.m., until 9:30 a.m., on Thursday, July 22, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8574.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS:

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Vice Admiral Timothy J. Keating, USN, for appointment to the grade of admiral and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command; Lieutenant General Bantz J. Craddock, USA, for appointment to the grade of general and to be Commander, United States Southern Command; Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense for International Security Policy, and Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army for Financial Management and Comptroller, who was introduced by Senator Roberts, and Representatives Hobson, and Jerry Lewis, after the nominees testified and answered questions in their own behalf.

NMS AND MARKET STRUCTURE

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine regulation of the national market system and developments in market structure, focusing on proposals to modernize the national market system to improve the regulatory structure of U.S. equity markets, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission; Robert Greifeld, NASDAQ Stock Market, Inc., David F. Harris, American Stock Exchange, LLC, Edward J. Nicoll, Instinet Group, Inc., and John Thain, New York Stock Exchange, Inc., all of New York, New York; and Gerald D. Putnam, Archipelago Holdings, LLC, Chicago, Illinois.

PUBLIC LANDS/NATIONAL FORESTS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a

hearing to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana, and S. 2622, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico, after receiving testimony from Senator Boxer; Representative Thomas; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment Minerals; Chad Calvert, Assistant Secretary of the Interior for Lands and Minerals Management; Art Pope, Northwest Youth Corps, Eugene, Oregon; John Woolley, Humboldt County Supervisor, Eureka, California; and Don Amador, BlueRibbon Coalition, Inc., Oakley, California.

TAX GAP

Committee on Finance: Committee held a hearing to examine bridging the difference between what taxpayers pay voluntarily and what they are supposed to pay, focusing on increasing the effectiveness of the Internal Revenue Service, simplifying the tax administration system, the “underground economy”, tax shelters, and ways that data sharing and analysis may enhance tax compliance and improve immigration eligibility decisions, receiving testimony from Raymond T. Wagner Jr., Member, Internal Revenue Service Oversight Board, Pamela J. Gardiner, Acting Inspector General for Tax Administration, Mark W. Everson, Commissioner of Internal Revenue, Nina E. Olson, National Taxpayer Advocate, Taxpayer Advocate Service, Internal Revenue Service, all of the Department of the Treasury; Michael Brostek, Director, Strategic Issues, Government Accountability Office; Nicholas P. Godici, Commissioner for Patents, U.S. Patent and Trademark Office, Department of Commerce; Robert M. Morgenthau, District Attorney of New York County, New York, New York; Debbie Langsea, California Franchise Tax Board, Sacramento;

Joseph Bankman, Stanford Law School, Stanford, California; Dale Brown, Incline Village, Nevada; and an anonymous witness.

Hearings recessed subject to the call.

MULTILATERAL DEVELOPMENT BANK

Committee on Foreign Relations: Committee concluded a hearing to examine United States efforts to prevent, detect, and punish corruption associated with development assistance provided by the Multilateral Development Banks, focusing on the United States Department of Treasury’s role and internal efforts, after receiving testimony from John B. Taylor, Under Secretary of the Treasury for International Affairs; Richard Thornburgh, Kirkpatrick and Lockhart, former United States Attorney General, and Kimberly Ann Elliott, Institute for International Economics, all of Washington, DC; and Guido Penzhorn; Durban Bar, Durban, South Africa.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 1230, to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information, with an amendment in the nature of a substitute;

S. 2347, to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act, with an amendment;

H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act;

S. 2409, to provide for continued health benefits coverage for certain Federal employees, with an amendment;

S. 2628, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel;

S. 2536, to enumerate the responsibilities of the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, to require the Inspector General of the Department of Homeland Security to designate a senior official to investigate civil rights complaints, with an amendment;

S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies,

and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments, with an amendment in the nature of a substitute;

S. 2657, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management;

S. 2639, to reauthorize the Congressional Award Act;

S. 2275, to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, with amendments;

S. 593, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred, with an amendment in the nature of a substitute;

H.R. 3797, to authorize improvements in the operations of the government of the District of Columbia;

S. 2688, to provide for a report of Federal entities without annually audited financial statements;

S. 2501, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office";

H.R. 4427, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office";

S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site;

S. 2673, to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the "Leonard C. Burch Post Office Building";

S. 2682, to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building";

H.R. 3340, to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois,

as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively;

H.R. 4222, to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building";

H.R. 4327, to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitalis 'Veto' Reid Post Office Building"; and

The nominations of Neil McPhie, of Virginia, to be Chairman, and Barbara J. Sapin, of Maryland, to be a Member, both of the Merit Systems Protection Board.

NATIVE AMERICAN ECONOMIC DEVELOPMENT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, after receiving testimony from David W. Anderson, Assistant Secretary of the Interior for Indian Affairs; Mark F. Brown, Mohegan Indian Tribe, Uncasville, Connecticut; Julie Kitka, Alaska Federation of Natives, Anchorage, Alaska; Chester Carl, National American Indian Housing Council, Washington, D.C.; Haunani Apoliona, Office of Hawaiian Affairs, Honolulu, Hawaii; and Katherine A. Spilde, Harvard University Project on American Indian Economic Development, Cambridge, Massachusetts.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 2301, to improve the management of Indian fish and wildlife and gathering resources, with an amendment in the nature of a substitute; and

S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country, with an amendment in the nature of a substitute.

Also, committee approved the motion to authorize the issuance of subpoenas by the Chairman and grant the Chairman and Vice Chairman the authority to issue additional subpoenas during the period of July 23, 2004 through September 7, 2004, pursuant to *In re Tribal Lobbying Matters, et al.* inquiry.

INDIAN HEALTH CARE IMPROVEMENT ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act, after receiving testimony from Representative

Hayworth; Tommy G. Thompson, Secretary of Health and Human Services, and Charles Grim, Director of the Indian Health Service, each of the Department of Health and Human Services.

RADIATION EXPOSURE COMPENSATION

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Radiation Exposure Compensation Program, focusing on compensation to individuals, or their surviving beneficiaries, who con-

tracted certain specified cancers or other specified serious diseases as a possible result of their exposure to radiation, after receiving testimony from Jeffrey S. Bucholtz, Deputy Assistant Attorney General for the Civil Division, and Dianne Spellberg, Acting Director, Radiation Exposure Compensation Act Program, both of the Department of Justice; Rita Torres, Surprise, Arizona; Jeffrey Thompson, Jacksonville, Arkansas; and Helen Bandley Houghton, San Antonio, Texas.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 4879–4889; 2 private bills, H.R. 4890–4891; and 3 resolutions, H. Con. Res. 476, and H. Res. 736–737, were introduced. **Pages H6555–57**

Additional Cosponsors: **Page H6557**

Reports Filed: Reports were filed today as follows:

H. Res. 734, providing for consideration of H.R. 3313, to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act (H. Rept. 108–623);

H. Res. 735, waiving points of order against the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005 (H. Rept. 108–624);

H.R. 112, to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado (H. Rept. 108–625);

H.R. 4646, to amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, amended (H. Rept. 108–626); and

H.R. 4842, to implement the United States-Morocco Free Trade Agreement (H. Rept. 108–627).

H. Res. 738, providing for consideration of H.R. 4842 to implement the United States-Morocco Free Trade Agreement (H. Rept. 108–628);

H. Res. 739, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–629); and

H. Res. 740, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported to the Committee on Rules (H. Rept. 108–630). **Page H6555**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Kirk to act as Speaker pro tempore for today. **Page H6445**

Chaplain: The prayer was offered today by Rev. James Patterson, Pastor Emeritus, Lakewood United Methodist Church in Erie, Pennsylvania. **Page H6445**

Military Construction Appropriations Act for FY05: The House began consideration of H.R. 4837, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005. Further consideration will resume at a later date. **Pages H6460–69**

Agreed to H. Res. 732, the rule providing for consideration of the bill by a recorded vote of 212 ayes to 211 noes, Roll No. 401, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 197 nays, Roll No. 400.

Pages H6449–57, H6458–59

Coast Guard and Maritime Transportation Act of 2004—Conference Report: The House agreed to the conference report on H.R. 2443, to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, by a yea-and-nay vote of 425 yeas to 1 nay, Roll No. 404.

Pages H6469–75, H6495–96

H. Res. 730, the rule providing for consideration of the conference report was agreed to by a voice vote. **Pages H6457–58**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the 35th anniversary of the Apollo 11 lunar landing: Debated on Tuesday, July 20: H. Res. 723, recognizing the 35th anniversary of the Apollo 11 lunar landing, by a $\frac{2}{3}$ yea-and-nay vote of 416 yeas with none voting “nay”, Roll No. 402;

Pages H6459–60