

Daily Digest

HIGHLIGHTS

The House passed H.R. 5006, Department of Labor, HHS, and Education Appropriations Act for Fiscal Year 2005.

The House observed a moment of silence in recognition of the anniversary of the terrorist attacks launched against the U.S. on September 11, 2001.

Senate

Chamber Action

Routine Proceedings, pages S8977–S9045

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2781–2785, and S. Res. 420–421. **Page S9032**

Measures Passed:

Russian Terrorist Atrocities: Senate agreed to S. Res. 421, expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims. **Page S9043**

Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1368, to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement, and the bill was then passed. **Pages S9043–44**

Sports Agent Responsibility and Trust Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 361, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, and the bill was then passed, clearing the measure for the President. **Page S9044**

Homeland Security Appropriations: Senate continued consideration of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, taking action on the following amendments proposed thereto: **Pages S8986–S9020**

Adopted:

Alexander Amendment No. 3608, to prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act. **Pages S9008–09, S9013–14**

Allen/Warner Amendment No. 3610, to direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters. **Pages S9016–17, S9019**

Rejected:

Boxer Amendment No. 3609, to appropriate \$70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management. (By 46 yeas to 45 nays (Vote No. 172), Senate tabled the amendment.) **Pages S9009–13, S9014**

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross. **Pages S9006–08**

Schumer Amendment No. 3615, to appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses. **Pages S9018–19**

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

By 43 yeas to 51 nays (Vote No. 169), 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, with respect to Byrd Amendment No. 3597, to make available funds for certain border and transportation security programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S8987–96, S9002–03

By 41 yeas to 53 nays (Vote No. 170), 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, with respect to Dodd Amendment No. 3604, to increase the amount provided for first responder programs, and to provide offsets. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S8996–S9002, S9003

By 45 yeas to 49 nays (Vote No. 171), 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, with respect to Murray Amendment No. 3596, to increase the amount available for port security grants by \$300,000,000. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S9003–06

Chair sustained a point of order against Harkin/Biden Amendment No. 3612, to restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on an appropriation measure, and the amendment thus fell.

Pages S9015–16

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 10, 2004.

Page S9045

Garrett Lee Smith Memorial Act: Senate concurred in the amendments of the House to S. 2634, to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, clearing the measure for the President.

Pages S9020–23

Messages From the House:

Page S9029

Executive Communications:

Pages S9029–32

Additional Cosponsors:

Pages S9032–33

Statements on Introduced Bills/Resolutions:

Pages S9033–39

Additional Statements:

Pages S9028–29

Amendments Submitted:

Pages S9039–42

Notices of Hearings/Meetings:

Page S9042

Authority for Committees to Meet: Pages S9042–43

Privilege of the Floor:

Page S9043

Record Votes: Four record votes were taken today. (Total—172)

Pages S9002–03, S9003, S9006, S9014

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:15 p.m., until 9:30 a.m., on Friday, September 10, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9045.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: TRANSPORTATION, TREASURY, AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Transportation, Treasury, and General Government approved for full Committee consideration an original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005.

IRAQI PRISONER ABUSE

Committee on Armed Services: Committee concluded a hearing to examine the investigation of the 205th Military Intelligence Brigade at Abu Ghraib Prison, Iraq, after receiving testimony from General Paul J. Kern, USA, Commanding General, United States Army Materiel Command; Lieutenant General Anthony R. Jones, USA, Deputy Commanding General, Chief of Staff, United States Army Training and Doctrine Command; Major General R. Steven Whitcomb, USA, Special Assistant to the Commander, United States Central Command; Major General George R. Fay, USA, Deputy Commander, United States Army Intelligence and Security Command; and Major General Antonio M. Taguba, USA, Deputy Assistant Secretary of Defense for Reserve Affairs, Readiness, Training and Mobilization.

DEPARTMENT OF DEFENSE DETENTION OPERATIONS

Committee on Armed Services: Committee concluded a hearing to examine the report of the Independent Panel to Review Department of Defense Detention Operations, focusing on why prisoner abuse occurred,

how they occurred and lessons learned, after receiving testimony from James R. Schlesinger, Chairman, and Harold Brown, Member, both of the Independent Panel to Review Department of Defense Detention Operations.

IMPACT OF SARBANES-OXLEY ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the impact of the Sarbanes-Oxley Act and developments concerning international convergence, focusing on regulations in the United Kingdom and Hong Kong, strengthening corporate governance and internal controls, concerns of small companies, and the changed behavior of audit committees, management, and auditors, after receiving testimony from Paul Boyle, Financial Reporting Council, Sir David Tweedie, International Accounting Standards Board, and Douglas Flint, HSBC Holdings, all of London, United Kingdom; Andrew Sheng, Hong Kong Securities and Futures Commission; Greg Bentley, Bentley Systems, Inc., Exton, Pennsylvania; Arnold C. Hanish, Eli Lilly and Company, Indianapolis, Indiana, on behalf of Financial Executives International; Leonard Moodispaw, Essex Corporation, Columbia, Maryland; and James S. Turley, Ernst and Young, LLP, New York, New York.

SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine the current situation in Sudan and prospects for peace, focusing on the State Department's investigation of the Darfur crisis, after receiving testimony from Colin L. Powell, Secretary of State.

BUSINESS MEETING

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

S. 1635, to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees;

S. 1700, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA

testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases;

S. 2396, to make improvements in the operations and administration of the Federal courts;

H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges;

S. 2204, to provide criminal penalties for false information and hoaxes relating to terrorism;

S. 1860, to reauthorize the Office of National Drug Control Policy;

S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors;

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, proposed legislation authorizing funds for the Department of Justice; and

The nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, David E. Nahmias, to be United States Attorney for the Northern District of Georgia, and William Sanchez, of Florida, to be Special Counsel for Immigration-Related Unfair Employment Practices, both of the Department of Justice, Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission, and Michael O'Neill, of Maryland, and Ruben Castillo, of Illinois, each to be a Member of the United States Sentencing Commission, William Sanchez, of Florida, to be Special Counsel for Immigration-Related Unfair Employment Practices, and Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas.

House of Representatives

Chamber Action

Measures Introduced: 23 public bills, H.R. 5038–5061; 1 private bill, H.R. 5062; and 6 resolutions, H.J. Res. 102; H. Con. Res. 488–489, and H. Res. 761, 763–764, were introduced. **Pages H6996–97**

Additional Cosponsors: **Page H6997**

Reports Filed: Reports were filed today as follows:

H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities (H. Rept. 108–673);

H.R. 5041, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005 (H. Rept. 108–674). **Page H6996**

Speaker: Read a letter from the Speaker wherein he appointed Representative Biggert to act as Speaker pro tempore for today. **Page H6903**

Chaplain: Today's prayer was offered by Rev. David O. Jones, Headmaster, Heritage Covenant Schools in Franklin, Tennessee. **Page H6903**

Anniversary of the terrorist attacks of September 11, 2001: The House agreed to H.Res. 757, expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, by a yeas-and-nays vote of 406 yeas to 16 nays, Roll No. 431. **Pages H6906–21**

The resolution was considered under a unanimous consent agreement reached on Wednesday, September 8.

Moment of Silence in Commemoration of the 9/11 Terrorist Attacks: The House observed a moment of silence to commemorate the anniversary of the terrorist attacks on September 11, 2001. **Page H6921**

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees: The House rejected the Hill motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, by a yeas-and-nays vote of 203 yeas to 216 nays, Roll No. 432. The motion was debated yesterday, September 8. **Page H6921**

Suspension—Proceedings Postponed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, September 8:

Garrett Lee Smith Memorial Act: S. 2634, amended, to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, by a $\frac{2}{3}$ yeas-and-nays vote of 352 yeas to 64 nays, Roll No. 433. **Pages H6921–22**

Agreed to amend the title so as to read: to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental health and behavioral health problems. **Page H6922**

Department of Labor, HHS, and Education Appropriations Act for FY 2005: The House passed H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, by a yeas-and-nays vote of 388 yeas to 13 nays, Roll No. 440. The bill was also considered yesterday, September 8. **Pages H6922–32, H6932–81**

Agreed by unanimous consent to limit the amendments offered and the time for debate on such amendments. **Page H6932**

Agreed to:

Garrett amendment (No. 2 printed in the Congressional Record of September 8) that prohibits funding for the attendance of more than 50 Federal employees at that agency at any single conference occurring outside of the United States; **Page H6946**

Neugebauer amendment that prohibits the use of funds for NIMH to fund grant numbers MH054142 and MH064527; **Pages H6946–51**

Obey amendment that prohibits the use of funds to enforce a Labor Department final rule which went into effect on August 23 regarding overtime protection (by a recorded vote of 223 yeas to 193 noes, Roll No. 434) (earlier a point of order on the amendment was overruled by the Chair); **Pages H6922–32, H6951**

Kildee amendment that prohibits the use of funds for the Secretary of Education to administer or pay any special allowance under sections of the Higher Education Act of 1965 pursuant to provisions of the

regulations of the Department of Education (by a recorded vote of 413 ayes to 3 noes, Roll No. 436); and

Pages H6938–39, H6952–53

King of Iowa amendment that prohibits the use of funds by the Department of Education in contravention of sections of the Illegal Immigration Reform and Responsibility Act of 1996. Pages H6964–65

Rejected:

Tancredo amendment (No. 1 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to pay salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 that deals with federal reimbursement of emergency health services furnished to undocumented aliens;

Pages H6939–41

Hayworth amendment (No. 6 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to enforce a National Labor Relations Board decision dealing with jurisdiction over Indian tribes (by a recorded vote of 185 ayes to 227 noes, Roll No. 435);

Pages H6933–38, H6951–52

Stark amendment that sought to reduce the funding for General Departmental Management for the Office of the Secretary of Health and Human Services (by a recorded vote of 195 ayes to 216 noes, Roll No. 437);

Pages H6941–42, H6953

Paul amendment (No. 3 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to create or implement any new universal mental health screening program (by a recorded vote of 95 ayes to 315 noes, Roll No. 438); and

Pages H6942–44, H6953–54

Hayworth amendment that sought to prohibit the use of funds for the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement (by a recorded vote of 178 ayes to 225 noes, Roll No. 439).

Pages H6958–62, H6976–77

Withdrawn:

Bordallo amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds to enforce the limitations under section 1108 of the Social Security Act on the amount certified for FY05 with respect to title XIX of the Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands;

Pages H6954–58

Oberstar amendment that was offered and subsequently withdrawn that sought to add a new section to the bill regarding fatal chronic illnesses;

Pages H6962–64

John amendment that was offered and subsequently withdrawn that sought to increase funding for Disease Control, Research, and Training.

Pages H6965–66

Point of Order sustained against:

Brown of Ohio amendment that sought to prohibit the use of funds for administrative costs for the collection of monthly premiums under part B of the Medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year; and

Pages H6944–45

Ramstad amendment that sought to increase funding for Substance Abuse and Mental Health Services.

Pages H6945–46

H. Res. 754, the rule providing for consideration of the bill was agreed to yesterday, September 8.

Committee Election: Agreed to H. Res. 762, electing Representative Alexander to the Committees on Agriculture and Transportation & Infrastructure.

Page H6981

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 13 for Morning Hour debate.

Page H6983

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 15.

Page H6983

Amendments: Amendment ordered printed pursuant to the rule appears on page H6998.

Quorum Calls—Votes: Four yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H6920–21, H6921, H6921–22, H6951, H6951–52, H6952–53, H6953, H6953–54, H6976–77, and H6980–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:20 p.m.

Committee Meetings

FINAL REPORT INDEPENDENT PANEL TO REVIEW DOD DETENTION OPERATIONS

Committee on Armed Services: Held a hearing on the Final Report of the Independent Panel to Review Department of Defense Detention Operations. Testimony was heard from the following officials of the Panel: James R. Schlesinger, Chairman; and Harold Brown, member.

ABU GHRAIB PRISON FACILITY— INVESTIGATION OF MILITARY INTELLIGENCE ACTIVITIES

Committee on Armed Services: Held a hearing on the investigation of military intelligence activities at Abu Ghraib prison facility. Testimony was heard from the following officials of the Department of the Army: GEN Paul J. Kern, USA, Appointing Officer; LTG Anthony R. Jones, USA, Lead Investigator; and MG George R. Fay, USA, Investigating Officer.

EXAMINING PROFESSIONAL BOXING

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled “Examining Professional Boxing: Are Further Reforms Needed?” Testimony was heard from Bruce Spizler, Senior Assistant Attorney General, State of Maryland; and public witnesses.

ANTI-DEPRESSANT PEDIATRIC CLINICAL TRAILS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Publication and Disclosure Issues in Anti-Depressant Pediatric Clinical Trials.” Testimony was heard from Janet Woodcock, M.D., Deputy Commissioner, Operations, FDA, Department of Health and Human Services; and public witnesses.

“G.I. FINANCES: PROTECTING THOSE WHO PROTECT US”

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “G.I. Finances: Protecting Those Who Protect Us.” Testimony was heard from public witnesses.

DHS-STATE COLLABORATION ON U.S. VISA POLICY

Committee on Government Reform: Held a hearing entitled “Creating Secure Borders and Open Doors: A Review of DHS-State Collaboration on U.S. Visa Policy.” Testimony was heard from Janice Jacobs, Deputy Assistant Secretary, Visa Services, Department of State; the following officials of the Department of Homeland Security: C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy and Planning; and Clark Kent Ervin, Inspector General; and Jacquelyn L. Williams-Bridgers, Managing Director, International Affairs and Trade Team, GAO.

BANKRUPTCY JUDGESHIP ACT

Committee on the Judiciary: Ordered reported, as amended, S. 878, Bankruptcy Judgeship Act of 2003.

POTASH ROYALTY REDUCTION ACT

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 4984, Potash Royalty Reduction Act of 2004. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following measures: H.R. 3834, Desalination Energy Assistance Act of 2004; H.R. 4775, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project; H.R. 4893, To authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; and H.R. 5009, To extend water contracts between the United States and specific irrigation districts and the City of Helena in Montana. Testimony was heard from Representatives Davis of Florida and Reyes; John Keys, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

OVERSIGHT—DELAY REDUCTION EFFORTS AT CHICAGO’S O’HARE AIRPORT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Delay Reduction Efforts at Chicago’s O’Hare Airport. Testimony was heard from Representatives Manzullo and Weller; Marion C. Blakey, Administrator, FAA, Department of Transportation; John Roberson, Commissioner, Department of Aviation, City of Chicago; and a public witness.

BRIEFING—TERRORISM UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Terrorism Update. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 10, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nominations of Christopher J. LaFleur, of New York, to be Ambassador to Malaysia, and B. Lynn Pascoe, of Virginia, to be Ambassador to Indonesia, 9:30 a.m., SD-419.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, September 10

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, September 13

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4567, Homeland Security Appropriations.

(Senate will observe a moment of silence as a further remembrance of the events of September 11, 2001.)

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1582
 Castle, Michael N., Del., E1572, E1578
 Clyburn, James E., S.C., E1581
 Conyers, John, Jr., Mich., E1569, E1574, E1580
 Doolittle, John T., Calif., E1573, E1579
 Ehlers, Vernon J., Mich., E1581

Emanuel, Rahm, Ill., E1570, E1576
 Flake, Jeff, Ariz., E1573, E1579
 Hastings, Alcee L., Fla., E1582
 Kucinich, Dennis J., Ohio, E1570, E1574, E1580
 Levin, Sander M., Mich., E1572, E1579
 Lofgren, Zoe, Calif., E1573, E1579
 McCollum, Betty, Minn., E1570, E1575
 Menendez, Robert, N.J., E1570, E1574

Moran, James P., Va., E1582
 Owens, Major R., N.Y., E1582
 Portman, Rob, Ohio, E1581
 Thompson, Mike, Calif., E1569, E1574, E1576, E1580,
 E1581
 Udall, Tom, N.M., E1573, E1579
 Wolf, Frank R., Va., E1570, E1577



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