

1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission:

Patrick A. Mulloy of Virginia for a term beginning January 1, 2005 and expiring December 31, 2006. **Page S10878**

Nominations Confirmed: Senate confirmed the following nominations:

31 Air Force nominations in the rank of general.

37 Army nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy.

Pages S10877–78, S10897

Nominations Received: Senate received the following nominations:

Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2005.

Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

Routine lists in the Air Force. **Pages S10893–97**

Messages From the House: **Page S10838**

Measures Placed on Calendar: **Page S10838**

Measures Read First Time: **Page S10838**

Executive Communications: **Pages S10838–40**

Petitions and Memorials: **Pages S10840–45**

Additional Cosponsors: **Pages S10846–47**

Statements on Introduced Bills/Resolutions:
Pages S10847–65

Additional Statements: **Pages S10835–37**

Amendments Submitted: **Pages S10865–77**

Authority for Committees to Meet: **Page S10877**

Quorum Calls: One quorum call was taken today. (Total—1) **Page S10779**

Record Votes: Two record votes were taken today. (Total—205) **Pages S10764, S10779**

Adjournment: Senate convened at 9 a.m., and adjourned at 8:03 p.m., until 10 a.m., on Saturday, October 9, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10892.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States, after the nominee, who was introduced by Senator Hatch, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Measures Introduced: 64 public bills, H.R. 5290–5352; and 16 resolutions, H.J. Res. 109–110; H. Con. Res. 514–517, and H. Res. 842–851, were introduced. **Pages H9047–50**

Additional Cosponsors: **Pages H9050–51**

Reports Filed: Reports were filed today as follows:

H. Res. 776, of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation, adversely (H. Rept. 108–754, Pt. 2);

Conference report on H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe mili-

tary personnel strengths for fiscal year 2005 (H. Rept. 108–767);

H.R. 3826, to require the review of Government programs at least once every 5 years for purposes of evaluating their performance, amended (H. Rept. 108–768);

H. Res. 843, waiving points of order against the conference report to accompany H.R. 4200, 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 Forces (H. Rept. 108–769);

H.R. 2699, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety

warning notification requirements, amended (H. Rept. 108–770); and

Conference report on H.R. 1047, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws (H. Rept. 108–771).

H. Res. 846, 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. 108–772).

Pages H9047, H9187–H9627, H9627–83

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

Page H8861

9/11 Recommendations Implementation Act: The House passed H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, by a recorded vote of 282 ayes to 134 noes, Roll No. 523.

Pages H8863–H8978

Rejected the Maloney motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 193 ayes to 223 noes, Roll No. 522.

Pages H8916–77

Agreed to the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 4, 2004, and that the amendment be considered as an original bill for the purpose of amendment.

Agreed to consider certain amendments en bloc and limited time for debate on the en bloc amendments to 10 minutes.

Page H8874

Agreed to:

Bonilla amendment (No. 6 printed in H. Rept. 108–751) that directs the Secretary of Homeland Security to increase Detention and Removal Operations bed space for FY06 and FY07 by 2,500 beds each year;

Pages H8869–71

Capito amendment (No. 7 printed in H. Rept. 108–751) that revises, enhances, and consolidates two Federal criminal law statutes into one comprehensive statute in order to deter, and more effectively punish, terrorist acts against railroad carriers and mass transportation providers;

Pages H8871–73

En bloc amendment consisting of amendments numbered 9, 16, 18, 20, and 22 printed in H. Rept. 108–751;

Pages H8875–80

Foley amendment (No. 10 printed in H. Rept. 108–751) that amends the Immigration and Nationality Act to provide for the inadmissibility and removability of aliens who have committed, ordered,

assisted, incited, or otherwise participated in acts of torture or extrajudicial killings abroad;

Pages H8880–82

Hostettler amendment (No. 13 printed in H. Rept. 108–751) that modifies certain sections of the bill; (agreed to extend the time for debate on the amendment)

Pages H8886–90

Kirk amendment (No. 4 printed in H. Rept. 108–751) requires the President to submit a report to the congressional intelligence committees detailing how the Drug Enforcement Administration can be integrated into the intelligence community (by a recorded vote of 414 ayes with none voting “no”, Roll No. 512);

Pages H8863–64, H8890–91

Sessions amendment (No. 5 printed in H. Rept. 108–751) that establishes a “zero tolerance” policy towards unlawful importation, possession, or transfer of shoulder fired guided missiles, atomic weapons, dirty bombs, and variola virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties (by a recorded vote of 385 ayes to 30 noes, Roll No. 513);

Pages H8865–69, H8891

Carter amendment (No. 8 printed in H. Rept. 108–751) that amends the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in the death of a person (by a recorded vote of 344 yeas to 72 nays, Roll No. 514);

Pages H8874–75, H8891–92

Goodlatte amendment (No. 11 printed in H. Rept. 108–751) that creates a rebuttable presumption that no amount of bail or other conditions would assure the appearance in court of a defendant when he is charged with a terrorist offense and there is probable cause that the defendant committed certain terrorist attacks (by a recorded vote of 333 ayes to 84 noes, Roll No. 515);

Pages H8882–84, H8892–93

Green amendment (No. 12 printed in H. Rept. 108–751) that strengthens immigration law in regard to the inadmissibility and deportability of alien terrorists and their supporters (by a recorded vote of 283 ayes to 132 noes, Roll No. 516);

Pages H8884–86, H8893–94

Bartlett amendment (No. 21 printed in H. Rept. 108–751) that directs the Director of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region;

Pages H8903–04

Porter amendment (No. 23 printed in H. Rept. 108–751) that promotes the Special Assistant to the Secretary for the Private Sector to an Undersecretary of Homeland Security for the Private Sector and Tourism;

Pages H8904–07

Ose amendment (No. 17 printed in H. Rept. 108–751) that expedites construction of two gaps in the 14 mile long barrier at the San Diego border (by

a recorded vote of 256 ayes to 160 noes, Roll No. 519); and

Pages H8898–H8901, H8908–09

Weldon of Pennsylvania amendment (No. 19 printed in H. Rept. 108–751) that requires the Secretary of Homeland Security to establish a program that identifies and catalogs existing mutual agreements (by a recorded vote of 415 ayes with none voting “no”, Roll No. 520).

Pages H8901–03, H8909

Rejected:

Smith of New Jersey amendment (No. 14 printed in H. Rept. 108–751) that strikes a section of the bill that requires expedited removal of aliens that have been present for less than five years without a hearing or future review (agreed to by a recorded vote of 212 ayes to 203 noes, Roll No. 517) (a separate vote was demanded on the amendment and it failed by a recorded vote of 203 ayes to 210 noes, Roll No. 521); and

Pages H8894–96, H8907–08, H8915–16

Smith of New Jersey amendment (No. 15 printed in H. Rept. 108–751) that strikes a section of the bill that diminishes asylum rights and refugee protections (by a recorded vote of 197 ayes to 219 noes, Roll No. 518).

Pages H8896–98, H8907–08

Agreed that the Clerk be authorized to make technical and conforming changes to the bill in its enrollment.

Page H8978

Agreed that the Committee on the Judiciary have until November 19, 2004 to file a supplemental report on the bill.

Page H8978

H. Res. 827, the rule providing for consideration of the bill was agreed to yesterday, October 7.

Later, the House rejected the Gutierrez motion to instruct conferees on the Senate companion bill, S. 2845, by a yea-and-nay vote of 169 yeas to 229 nays, Roll No. 525.

Pages H8978–86, H8993

Requesting the return of papers: Agreed to H. Res. 842, requesting the return of official papers on S. 1301.

Page H8894

National Defense Authorization Act for Fiscal Year 2005—Conference Report: The House began consideration of the conference report to accompany H.R. 4200, 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 Forces. Further proceedings will continue on Saturday, October 9.

Pages H8995–H9007

Agreed to H. Con. Res. 514, directing the Clerk of the House to make a technical correction in the enrollment of H.R. 4200.

Page H9007

H. Res. 831, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consider-

ation of certain resolutions reported by the Rules Committee, was agreed to by voice vote.

Pages H8986–88

H. Res. 843, providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 175 nays, Roll No. 524.

Pages H8988–93

Privileged Resolution: The House agreed to table H. Res. 845, relating to a question of the privileges of the House, by a recorded vote of 210 ayes to 182 noes and 5 voting “present”, Roll No. 526.

Pages H8993–94

Military Construction Appropriations Act, 2005—Conference Report: The House agreed to H. Res. 832, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, was agreed to by voice vote.

Pages H9007–08

Recess: The House recessed at 8:14 p.m. and reconvened at 10:42 p.m.

Page H9008

Authorizing the Gateway Arch in St. Louis be illuminated by pink lights in honor of breast cancer awareness month: The House passed S. 2895, to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month—clearing the measure for the President.

Page H9008

Fort Donelson National Battlefield Expansion Act of 2004: The House passed S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862—clearing the measure for the President.

Pages H9008–09

Reauthorizing the State Justice Institute: Agreed to the Senate amendment to H.R. 2714, to reauthorize the State Justice Institute—clearing the measure for the President.

Page H9009

Prevention of Child Abduction Partnership Act: The House passed S. 2883, to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act—clearing the measure for the President.

Pages H9009–10

Anabolic Steroid Control Act of 2004: The House passed 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—clearing the measure for the President.

Pages H9010–11

Federal Regulatory Improvement Act of 2004: The House passed H.R. 4917, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007. **Page H9011**

Family Farmer Bankruptcy Relief Act of 2004: The House passed S. 2864, to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted—clearing the measure for the President. **Page H9011**

Improving Access to Assistive Technology for Individuals With Disabilities Act of 2004: The House agreed to the Senate amendment to H.R. 4278, to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities—clearing the measure for the President. **Pages H9011–20**

Improving Education Results for Children With Disabilities Act of 2003: The House disagreed to the Senate amendment to H.R. 1350, to reauthorize the Individuals with Disabilities Education Act, and agreed to a conference. **Page H9020**

Appointed as conferees: From the Education and the Workforce for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Boehner, Castle, Ehlers, Keller, Wilson (SC), George Miller (CA), Woolsey, and Owens. **Page H9020**

From the Committee on Energy and Commerce, for consideration of sec. 101 and title V of the Senate amendment, and modifications committed to conference: Representatives Barton (TX), Bilirakis, and Dingell. **Page H9020**

From the Committee on the Judiciary, for consideration of sec. 205 of the House bill, and sec. 101 of the Senate amendment, and modifications committed to conference: Representatives Sensenbrenner, Smith (TX) and Conyers. **Page H9020**

Extending the liability indemnification regime for the commercial space transportation industry: The House passed H.R. 5245, to extend the liability indemnification regime for the commercial space transportation industry. **Page H9020**

National Earthquake Hazards Reduction Program Reauthorization Act of 2003: The House agreed to the Senate amendment to H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program—clearing the measure for the President. **Pages H9020–24**

Amending the securities laws to permit church pension plans to be invested in collective trusts: The House agreed to the Senate amendment to H.R. 1533, to amend the securities laws to permit church

pension plans to be invested in collective trusts—clearing the measure for the President. **Page H9024**

Authorizing the President to award a gold medal to Rev. Dr. Martin Luther King, Jr. (posthumously) and Coretta Scott King: The House passed 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—clearing the measure for the President. **Pages H9024–25**

Modifying and extending certain privatization requirements of the Communications Satellite Act of 1962: The House passed S. 2896, to modify and extend certain privatization requirements of the Communications Satellite Act of 1962—clearing the measure for the President. **Pages H9025–26**

Authorizing appropriations for the John F. Kennedy Center for the Performing Arts: The House passed H.R. 5294, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts. **Pages H9026–27**

Veterans' Compensation Cost-of-Living Adjustment Act of 2004: The House agreed to the Senate amendment to H.R. 4175, to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans—clearing the measure for the President. **Page H9027**

Global Anti-Semitism Review Act of 2004: The House passed S. 2292, amended, to require a report on acts of anti-Semitism around the world. **Pages H9027–29**

Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003: The House passed H.R. 2760, amended, to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries. **Pages H9029–32**

Miscellaneous Trade and Technical Corrections Act of 2003: The House agreed to the conference report to accompany H.R. 1047, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws. **Pages H9032–33**

Providing for the establishment of supplemental dental and vision benefits for Federal employees, retirees, and dependents: The House passed H.R. 5295, 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.

Pages H9033–37

Recess: The House recessed at 11:07 p.m. and reconvened at 2:10 a.m. on Saturday, October 9.

Page H9037

Recess: The House recessed at 2:11 a.m. and reconvened at 9:36 a.m. on Saturday, October 9.

Page H9037

Quorum Calls—Votes: 13 yea-and-nay votes and two recorded votes developed during the proceedings of today. There were no quorum calls.

Pages H8890–91, H8891, H8892, H8892–93, H8893, H8907, H8907–08, H8908–09, H8909, H8915–16, H8976–77, H8977–78, H8992–93, H8993, H8994

Adjournment: The House met at 9 a.m. and adjourned at 2:11 a.m. on Saturday, October 9, stands in recess subject to the call of the chair.

Committee Meetings

FLU SHOT SHORTAGE

Committee on Government Reform: Held a hearing entitled “The Nation’s Flu Shot Shortage: How it Happened and Where We Go from Here.” Testimony was heard from the following officials of the Department of Health and Human Services: Julie L. Gerberding, M.D., Director, Centers for Disease Control and Prevention; Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; and Lester M. Crawford, M.D., Acting Commissioner, FDA; Robert Stroube, M.D., Commissioner, Department of Health, State of Virginia; and public witnesses.

PEACEKEEPING IN AFRICA

Committee on International Relations: Subcommittee on Africa held a hearing on Peacekeeping in Africa: Challenges and Opportunities. Testimony was heard from James W. Swigert, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State; and public witnesses.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE AUTHORIZATION ACT FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4200, Department of Defense Authorization Act Fiscal Year 2005, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Hunter and Representative Skelton.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on or before the legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures: (1) A bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto, or a conference report thereon; and (2) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2005, an amendment thereto, or a conference report thereon.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee concluded hearings to examine the employment-unemployment situation for September 2004, focusing on long-term interest rates, housing markets, the trade balance, and the impact of the four hurricanes in Florida during August and September, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

COMMITTEE MEETINGS FOR SATURDAY, OCTOBER 9, 2004

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.