

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10381–S10468

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 2887–2898, S. Res. 447, and S. Con. Res. 140. **Page S10436**

Measures Reported:

H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program. (S. Rept. No. 108–385)

S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. **Page S10436**

Measures Passed:

Presidential Pardon: Senate agreed to S. Res. 447, expressing the sense of the Senate that the President of the United States should exercise his Constitutional Authority to pardon posthumously John Arthur “Jack” Johnson for Mr. Johnson’s racially-motivated 1913 conviction that diminished his athletic, cultural, and historic significance, and unduly tarnished his reputation. **Pages S10417–19**

Veterans’ Compensation Cost-Of-Living Adjustment Act: Committee on Veterans’ Affairs was discharged from further consideration of 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, and the bill was then passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 2483, Senate companion-measure. **Pages S10458–59**

Subsequently, S. 2483 was returned to the Senate calendar. **Page S10459**

St. Louis Gateway Arch Lighting: Senate 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. **Page S10459**

Communications Satellite Act: Senate passed S. 2896, to modify and extend certain privatization requirements of the Communications Satellite Act of 1962. **Page S10459**

Little Rock Central High School National Historic Site: Committee on Energy and Natural Resources was discharged from further consideration of S. Res. 420, recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School, and the resolution was then agreed to. **Page S10460**

Protecting Older Americans From Fraud Month: Senate agreed to S. Res. 424, designating October 2004 as “Protecting Older Americans From Fraud Month”. **Page S10460**

Department of Veterans Affairs Health Care Personnel Enhancement Act: Senate passed S. 2484, to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S10460–67

Frist (for Specter) Amendment No. 3973, in the nature of a substitute. **Page S10467**

National Intelligence Reform Act: Senate continued consideration of S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, taking action on the following amendments proposed thereto:

Pages S10384–88, S10390–S10400, S10400–17

Adopted:

Collins (for Cantwell) Modified Amendment No. 3933, to require biometric identification information on travel documents of aliens seeking to enter the United States. **Pages S10384, S10394–95**

Collins/Lieberman Amendment No. 3957, to provide for certain revisions to the bill, including providing for permanent authority for the Public Interest Declassification Board, and for homeland security civil rights and civil liberties protection. **Page S10384**

Collins (for Rockefeller) Modified Amendment No. 3712, to provide improved aviation security.

Pages S10384–88

Collins (for Baucus) Further Modified Amendment No. 3768, to require an annual report on the allocation of funding within the Office of Foreign Assets Control of the Department of the Treasury.

Pages S10384–88, S10391

Feinstein Modified Amendment No. 3718, to improve the intelligence functions of the Federal Bureau of Investigation.

Pages S10390, S10391–92

Collins (for Gregg) Modified Amendment No. 3934, to enhance the role of the Federal Bureau of Investigation in its intelligence and law enforcement missions.

Page S10394

Withdrawn:

Chambliss Amendment No. 3710, to provide for the establishment of a unified combatant command for military intelligence.

Pages S10392–94

Roberts Amendment No. 3739, to ensure the sharing of intelligence information in a manner that promotes all-sources analysis and to assign responsibility for competitive analysis.

Pages S10390, S10398

Roberts Amendment No. 3750, to clarify the responsibilities of the Directorate of Intelligence of the National Counterterrorism Center for information-sharing and intelligence analysis.

Pages S10390, S10398

Lautenberg Amendment No. 3767, to specify that the National Intelligence Director shall serve for one or more terms of up to 5 years each.

Pages S10390, S10416

Pending:

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight.

Page S10390

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding.

Page S10390

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation.

Page S10390

Reid (for Harkin) Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board.

Page S10390

Roberts Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States.

Pages S10390–91

Stevens Amendment No. 3827, to strike section 206, relating to information sharing.

Page S10391

Stevens Amendment No. 3840, to strike the fiscal and acquisition authorities of the National Intelligence Authority.

Page S10391

Stevens Amendment No. 3882, to propose an alternative section 141, relating to the Inspector General of the National Intelligence Authority.

Page S10391

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform.

Page S10391

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities.

Page S10391

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program.

Page S10391

Stevens Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency.

Page S10391

Warner Amendment No. 3875, to clarify the definition of National Intelligence Program.

Page S10391

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas.

Page S10391

Reid (for Leahy) Amendment No. 3916, to strengthen civil liberties protections.

Page S10391

Reid (for Leahy) Amendment No. 3915, to establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center.

Page S10391

Collins (for Frist) Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority.

Page S10391

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees.

Page S10391

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

By 85 yeas to 10 nays (Vote No. 197), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Page S10391

Chair sustained certain points of order against the following amendments:

Reid (for Schumer) Amendment No. 3887, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3888, to establish the United States Homeland Security Signal Corps to ensure proper communications between law enforcement agencies.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3889, to establish a National Commission on the United States-Saudi Arabia Relationship.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3890, to improve the security of hazardous materials transported by truck.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3891, to improve rail security.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3892, to strengthen border security. **Pages S10390, S10398**

Reid (for Schumer) Amendment No. 3893, to require inspection of cargo at ports in the United States. **Pages S10390, S10398**

Reid (for Schumer) Amendment No. 3894, to amend the Homeland Security Act of 2002 to enhance cybersecurity. **Pages S10390, S10398**

Reed Amendment No. 3908, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security. **Pages S10390, S10398**

Reid (for Corzine/Lautenberg) Amendment No. 3849, to protect human health and the environment from the release of hazardous substances by acts of terrorism. **Pages S10390, S10398**

Reid (for Lautenberg) Amendment No. 3782, to require that any Federal funds appropriated to the Department of Homeland Security for grants or other assistance be allocated based strictly on an assessment of risks and vulnerabilities. **Pages S10390, S10398**

Reid (for Lautenberg) Amendment No. 3905, to provide for maritime transportation security. **Pages S10390, S10398**

Roberts Amendment No. 3747, to provide the National Intelligence Director with flexible administrative authority with respect to the National Intelligence Authority. **Pages S10391, S10398**

Kyl Amendment No. 3881, to protect crime victims' rights. **Pages S10391, S10398**

Kyl Amendment No. 3724, to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses. **Pages S10391, S10398**

Sessions Amendment No. 3928, to require aliens to make an oath prior to receiving a nonimmigrant visa. **Pages S10391, S10398**

Sessions Amendment No. 3873, to protect railroad carriers and mass transportation from terrorism. **Pages S10391, S10398**

Sessions Amendment No. 3871, to provide for enhanced Federal, State, and local enforcement of the immigration laws. **Pages S10391, S10398**

Sessions Amendment No. 3870, to make information sharing permanent under the USA PATRIOT Act. **Pages S10391, S10398**

Collins (for Cornyn) Amendment No. 3803, to provide for enhanced criminal penalties for crimes related to alien smuggling. **Pages S10391, S10398**

Frist (for McConnell) Amendment No. 3930, to clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act. **Pages S10391, S10398**

Frist (for McConnell) Amendment No. 3931, to remove civil liability barriers that discourage the donation of equipment to volunteer fire companies. **Pages S10391, S10398**

Warner Amendment No. 3874, to provide for the treatment of programs, projects, and activities within the Joint Military Intelligence Program and Tactical Intelligence and Related Activities programs as of the date of the enactment of the Act. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3850, to require the inclusion of information regarding visa revocations in the National Crime Information Center database. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3851, to clarify the effects of revocation of a visa. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3855, to combat money laundering and terrorist financing, to increase the penalties for smuggling goods into the United States. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3856, to establish a United States drug interdiction coordinator for Federal agencies. **Pages S10391, S10398**

Sessions/Ensign Amendment No. 3872, to amend the Immigration and Nationality Act to require fingerprints on United States passports and to require countries desiring to participate in the Visa Waiver Program to issue passports that conform to the biometric standards required for United States passports. **Pages S10391, S10398**

Kyl Amendment No. 3926, to amend the Immigration and Nationality Act to ensure that non-immigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States. **Pages S10391, S10398**

Ensign Amendment No. 3819, to require the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators. **Pages S10390, S10398**

Subsequently, the aforementioned amendments were ruled out of order since they were not germane to the bill under the provisions of Rule 22. **Page S10398**

Subsequently, Collins (for Inhofe) Amendment No. 3946 (to Amendment No. 3849), in the nature of a substitute, fell when Amendment No. 3849 (listed above) was ruled out of order. **Page S10391**

Lieberman (for Bingaman) Amendment No. 3814, to provide the sense of Congress that United States foreign assistance should be provided to South Asia, Southeast Asia, West Africa, the Horn of Africa,

North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America to prevent the establishment of terrorist sanctuaries, previously agreed to on Monday, October 4, 2004, was modified by unanimous consent. **Page S10417**

A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate or other business before the Senate, all time be counted as post-cloture time on the bill; provided further, that at 11:30 a.m. on Wednesday, October 6, 2004, Senate begin a series of rollcall votes on the pending amendments in the order offered; further that there be two minutes equally divided prior to each vote, with no second degree amendments in order to the amendments prior to the votes; provided further, that the voting sequence end at Amendment No. 3916. **Page S10419**

A unanimous-consent agreement was reached providing that it be in order for the Managers, with the concurrence of the two Leaders, to send a Managers' amendment to the desk, prior to passage of the bill. **Page S10419**

A unanimous-consent agreement was reached providing that following conclusion of those votes and the expiration of any remaining time under Rule XXII, Senate vote on any qualified amendment, to be followed by third reading and a vote on passage of the bill as amended, with no intervening action or debate. **Page S10419**

Intelligence Committee Reform—Agreement: A unanimous-consent agreement was reached providing that following passage of S. 2845 (listed above), Senate begin consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. **Page S10419**

Nominations Received: Senate received the following nominations:

Ronald Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 2009.

Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008. **Page S10468**

Messages From the House: **Pages S10434–35**

Executive Communications: **Pages S10435–36**

Additional Cosponsors: **Pages S10436–37**

Statements on Introduced Bills/Resolutions: **Pages S10437–46**

Additional Statements: **Pages S10431–34**

Amendments Submitted: **Pages S10446–58**

Authority for Committees to Meet: **Page S10458**

Privilege of the Floor: **Page S10458**

Record Votes: One record vote was taken today. (Total—197) **Page S10391**

Adjournment: Senate convened at 9 a.m., and adjourned at 8:17 p.m., until 9:30 a.m., on Wednesday, October 6, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10467.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development, after the nominee, who was introduced by Representative Bradley, testified and answered questions in her own behalf.

UNIVERSAL SERVICE E-RATE PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine waste, fraud, and abuse issues relating to Universal Service E-rate program, after receiving testimony from Thomas Bennett, Assistant Inspector General for USF Oversight, and Tom Cline, Assistant Inspector General for Audits, both of the Federal Communications Commission; George McDonald and Frank Gumper, both of the Universal Service Administrative Company, Washington, D.C.; and Winston E. Himsworth, E-Rate Central, Seaford, New York, on behalf of the State E-rate Coordinator's Alliance.

MILLENNIUM CHALLENGE CORPORATION

Committee on Foreign Relations: Committee concluded a hearing to examine the progress and future performance of the Millennium Challenge Corporation (MCC), focusing on the size of the foreign aid commitment, the competitive selection process for MCC funds, the separation from the strategic foreign policy goals of the United States, and civil society proposals in each country, after receiving testimony from Paul V. Applegarth, Chief Executive Officer, Millennium Challenge Corporation, Department of State.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of Gregory E. Jackson, to be an Associate Judge of the Superior Court of the District of Columbia, after the

nominee, who was introduced by District of Columbia Delegate Norton, testified and answered questions in his own behalf.

CHILDHOOD OBESITY PREVENTION

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine public-private partnerships to improve nutrition and increase physical activity in children, after receiving testimony from Senator Wyden; Dixie E. Snider, Jr., Acting Chief of Science, Centers for Disease Control and Prevention, and Lynn C. Swann, Chairman, President's Council on Physical Fitness and Sports, Office of Public Health and Science, both of the Department of Health and Human Services; William Potts-Datema, Harvard School of Public Health Partnerships for Children's Health, Boston, Massachusetts, on behalf of Action for Healthy Kids; Ross C. Brownson, Saint Louis University School of Public Health Department of Community Health, St. Louis, Missouri; and Gary M. DeStefano, Nike Corporation, Lake Oswego, Oregon.

PRESIDENTIAL ELIGIBILITY

Committee on the Judiciary: Committee concluded a hearing to examine proposals to define the term "natural born Citizen" as used in the Constitution of the United States to establish eligibility for the Office of the President, including related measures S. 2128 and S.J. Res.15, after receiving testimony from Senator Nickles; Representatives Conyers, Snyder, Frank, Rohrabacher, and Issa; Akhil Reed Amar, Yale University School of Law, New Haven, Connecticut; Matthew Spalding, The Heritage Foundation, Washington, D.C.; and John Yinger, Syracuse University Maxwell School of Citizenship and Public Affairs, Syracuse, New York.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 5210–5223; 1 private bill, H.R. 5224; and 2 resolutions, H. Res. 820–821, were introduced.

Pages H8167, H8168

Additional Cosponsors:

Pages H8168–69

Reports Filed: Reports were filed today as follows:

H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination amended, (H. Rept. 108–724, Pts. 4 and 5);

H.R. 5011, to prevent the sale of abusive insurance and investment products to military personnel, amended (H. Rept. 108–725);

H.R. 3858, to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation (H. Rept. 108–726);

H.R. 918, to authorize the Health Resources and Services Administration, the National Cancer Institute, and the Indian Health Service to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care serv-

ices for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services, amended (H. Rept. 108–727, Pt. 1);

H.R. 3015, to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, amended (H. Rept. 108–728);

H.R. 4302, to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect (H. Rept. 108–729);

H.R. 4453, to improve access to physicians in medically underserved areas, amended (H. Rept. 108–730);

H.R. 4306, to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment, amended (H. Rept. 108–731);

S. 1194, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems, amended (H. Rept. 108–732);

S. 129, to provide for reform relating to Federal employment, amended (H. Rept. 108–733);

Conference report on H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005 (H. Rept. 108-734).

H. Res. 819, relating to early organization of the House of Representatives for the One Hundred Ninth Congress (H. Rept. 108-735);

H. Res. 822, waiving points of order against the conference report to accompany the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005 (H. Rept. 108-736); and

H. Res. 823, providing for consideration of H.R. 5107, to protect crime victims' rights, 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 (H. Rept. 108-737).

Pages H8144-57, H8166-67

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

Page H8041

Recess: The House recessed at 9:02 a.m. and reconvened at 10 a.m.

Page H8041

District of Columbia Appropriations Act, 2005—Motion to go to conference: The House disagreed to the Senate amendment to H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and agreed to a conference.

Page H8043

Appointed as conferees: Representative Frelinghuysen, Istook, Cunningham, Doolittle, Weldon (FL), Culberson, Young (FL), Fattah, Pastor, Cramer, and Obey.

Page H8043

Bankruptcy Judgeship Act of 2003: The House passed S. 878, to authorize an additional permanent judgeship in the District of Idaho, by voice vote.

Pages H8048-63

Rejected the Berman motion to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 190 ayes to 216 noes, Roll No. 493.

Pages H8061-63

Agreed to:

Sensenbrenner amendment (No. 1 printed in H. Rept. 108-723) that “staggers” implementation of the 58 new Federal circuit and district court judgeships created by the bill over seven fiscal years; and

Pages H8052-53

Simpson amendment (No. 2 printed in H. Rept. 108-723) that splits the current 9th Circuit Court of Appeals (by a recorded vote of 205 ayes to 194 noes, Roll No. 492).

Pages H8053-61

Agreed to amend the title so as to read: to create additional Federal court judgeships.

Page H8061

H. Res. 814, the rule providing for consideration of the bill was agreed to by a recorded vote of 206 ayes to 173 noes, Roll No. 491, after agreeing to order the previous question by a yea-and-nay vote of 198 yeas to 171 nays, Roll No. 490.

Pages H8043-48

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

Recognizing the spirit of Jacob Mock Doub: H. Con. Res. 480, recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that “National Take a Kid Mountain Biking Day” should be established in Jacob Mock Doub’s honor;

Pages H8063-64

Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2003: H.R. 918, amended, to authorize the Health Resources and Services Administration, the National Cancer Institute, and the Indian Health Service to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services;

Pages H8064-69

Agreed to amend the title so as to read: to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes.

Page H8069

National All Schedules Prescription Electronic Reporting Act of 2003: H.R. 3015, amended, to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance;

Pages H8069-73

Agreed to amend the title so as to read: to provide for the establishment of a controlled substance monitoring program in each State.

Page H8073

Pancreatic Islet Cell Transplantation Act of 2004: H.R. 3858, to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation; **Pages H8073–74**

Asthmatic Schoolchildren's Treatment and Health Management Act of 2004: H.R. 2023, amended, to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis; **Pages H8074–79**

Mammography Quality Standards Reauthorization Act of 2004: H.R. 4555, amended, to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards; **Pages H8079–80**

Safeguard Against Privacy Invasions (SPY) Act: H.R. 2929, amended, to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, by a 2/3 yeas-and-nays vote of 399 yeas to 1 nay, Roll No. 495; **Pages H8080–89, H8130–31**

Recognizing community organization of public access defibrillation programs: H. Con. Res. 250, recognizing community organization of public access defibrillation programs; **Pages H8089–91**

Sense of Congress regarding the role of private health insurance companies in promoting healthy lifestyles: H. Con. Res. 34, amended, expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles; **Pages H8091–94**

Orderly and Timely Interstate Placement of Foster Children Act of 2004: H.R. 4504, amended, to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines; **Pages H8094–H8100**

Agreed to amend the title so as to read: to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines. **Page H8100**

Sense of Congress regarding the establishment of a Columbia Memorial Space Science Learning Center: H.J. Res. 57, amended, expressing the sense of the Congress in recognition of the contributions of the seven *Columbia* astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center; **Pages H8100–04**

Military Personnel Financial Services Protection Act: H.R. 5011, amended, to prevent the sale of abusive insurance and investment products to mili-

tary personnel, by a 2/3 yeas-and-nays vote of 396 yeas to 2 nays, Roll No. 496; **Pages H8104–10, H8131**

Confirming the authority of the Secretary of Agriculture and the Commodity Credit Corporation: H.R. 4620, amended, to confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; **Pages H8110–11**

Agreed to amend the title so as to read: to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans. **Page H8111**

Providing for the development of a national plan for the control and management of Sudden Oak Death: H.R. 4569, to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*; **Pages H8111–13**

Pennsylvania National Forest Improvement Act of 2003: H.R. 3514, amended, to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania; **Pages H8113–15**

Honoring the service of Native American Indians in the U.S. Armed Forces: H. Con. Res. 306, amended, honoring the service of Native American Indians in the United States Armed Forces; **Pages H8115–17**

Agreed to amend the title so as to read: honoring the service of American Indians in the United States Armed Forces. **Page H8117**

Amending the Agricultural Adjustment Act: H.R. 2984, to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears; **Pages H8131–33**

Expressing the support of the House for the efforts of organizations to provide emergency food assistance to people in the U.S.: H. Res. 261, expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; **Pages H8133–36**

Recognizing the establishment of Hunters for the Hungry programs: H. Res. 481, recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs to efforts to decrease hunger and help feed those in need; **Pages H8136–37**

Amending the Department of Agriculture Organic Act of 1944: H.R. 5042, to amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; **Pages H8138–39**

Authorizing the Secretary of Agriculture to sell or exchange certain land in the Ozark-St. Francis and Ouachita National Forests: S.33, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; and **Pages H8139–40**

Providing for the use by the State of North Carolina of the Oxford Research Station in Granville County, North Carolina: H.R. 2119, amended, to provide for the use by the State of North Carolina of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina. **Pages H8140–41**

Agreed to amend the title so as to read: to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina. **Page H9141**

Suspension Failed: The House failed to agree to suspend the rules and pass the following bill:

Requiring that all young persons in the U.S. perform a period of military service or civilian service: H.R. 163, to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, by a 2/3 yeas-and-nays vote of 2 yeas to 402 nays, Roll No. 494. **Pages H8117–30**

Discharge Petitions: Representative Edwards moved to discharge the Committee on Rules from the consideration of H. Res. 788, providing for the consideration of H.R. 4423, making appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 2004 (Discharge Petition No. 14).

Representative Bishop of New York moved to discharge the Committee on Rules from the consideration of H. Res. 790, providing for consideration of H.R. 4473, making appropriations for the Department of Education for the fiscal year ending September 30, 2005 (Discharge Petition No. 15).

Senate Message: Message received from the Senate today appears on page H8048.

Quorum Calls—Votes: Four yeas-and-nays votes and three recorded votes developed during the proceedings of today. There were no quorum calls.

Pages H8046–47, H8047, H8061, H8062–63, H8129–30, H8130–31, H8131

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8169–70.

Adjournment: The House met at 9 a.m. and adjourned at 7:50 a.m. on Thursday, October 6.

Committee Meetings

FLU VACCINE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Influenza Vaccine. 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; William Egan, M.D., Acting Director, Office of Vaccines Research and Review, Center for Biologics Evaluation and Research, FDA; and Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; and public witnesses.

U.N. OIL FOR FOOD PROGRAM

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “The U.N. Oil for Food Program: Cash Cow Meets Paper Tiger.” Testimony was heard from Ambassador Patrick F. Kennedy, U.S. Representative to the United Nations, U.N. Management and Reform, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe approved for full Committee action the following measures: H. Res. 726, amended, Congratulating the people of Serbia and government of Serbia for conducting a democratic, free and fair presidential election and for reaffirming Serbia’s commitment to peace, democracy and the rule of law; H.R. 733, Calling on the Government of Libya to review the legal actions taken against several Bulgarian medical workers; H. Res. 341, amended, Urging the

President of the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; and H. Res. 483, amended, Pledging continued United States support for the sovereignty, independence, territorial integrity, and democratic and economic reforms of the Republic of Georgia.

OVERSIGHT—PEER-TO-PEER PIRACY ON UNIVERSITY CAMPUSES: AN UPDATE

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Peer-to-Peer Piracy (P2P) on University Campuses: An Update. Testimony was heard from public witnesses.

THE JUSTICE FOR ALL ACT OF 2004

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 5107, The Justice for All Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides for consideration of the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative Sensenbrenner of Wisconsin or his designee, which shall be considered as read, shall not be subject to a demand for division of the question, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Chabot and Delahunt. Supplemental Appropriations for FY 2005.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2004

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 5212, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides for consideration of the amendment printed in the Rules Committee report accompanying the resolution if offered by Representative Hensarling of Texas or his designee, which shall be considered as read, shall not be subject to a demand for division of the question, and shall be separately debatable for 20 minutes equally divided

and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Boyd, Stenholm, Pomeroy and Doyle.

CONFERENCE REPORT—DISTRICT OF COLUMBIA APPROPRIATIONS FOR 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. 4850, Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and against its consideration. The rule provides that the conference report shall be considered as read.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Committee on Rules: Heard testimony from Chairmen Hoekstra, Hunter, Hyde, Cox and Goodlatte and Representatives Gingrey, Bartlett, Capito, Shays, Platts, Smith of Texas, Flake, Rogers of Michigan, Tancredo, Mica, Porter, Foley, Bonilla, Kirk, Weldon of Florida, Harman, Cooper, Maloney, Jackson-Lee of Texas, Markey, Menendez, Ackerman, Turner of Texas, Obey and Sabo, but action was deferred on H.R. 10, 9/11 Recommendations Implementation Act.

Joint Meetings

APPROPRIATIONS: DISTRICT OF COLUMBIA

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005.

AMERICAN JOBS CREATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, but did not complete action thereon, and will continue on Wednesday, October 6, 2004.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1001)

H.R. 5183, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. Signed on September 30, 2004. (Public Law 108–310)

**COMMITTEE MEETINGS FOR WEDNESDAY,
OCTOBER 6, 2004**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Francis J. Harvey, of California, to be Secretary of the Army, Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy, and General Gregory S. Martin, USAF, for reappointment to the grade of general and to be Commander, United States Pacific Command, 10 a.m., SR–222.

Full Committee, to hold hearings to examine the report of the Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs, 2:30 p.m., SH–216.

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure, to hold hearings to examine issues relating to natural gas, 2:30 p.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the impact of current visa policy on international students and researchers, 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine neglected diseases in East Asia regarding public health programs, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: with the Committee on the Judiciary, to hold joint hearings to examine responding to an ever-changing threat relating to BioShield II, 10 a.m., SH–216.

Committee on Indian Affairs: business meeting to consider pending calendar business, 10 a.m., SR–485.

Committee on the Judiciary: with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine responding to an ever-changing threat relating to BioShield II, 10 a.m., SH–216.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 10 a.m., SH–219.

House

Committee on the Budget, hearing on Federal Revenue Options, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled “Child Product Safety: Do Current Standards Provide Enough Protection?” 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled “The OFHEO Report: Allegations of Accounting and Management Failure at Fannie Mae,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled “Current Challenges in Combating the West Nile Virus,” 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on the Annual Report on International Religious Freedom 2004 and Designations of Countries of Particular Concern, 10:30 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on U.S. Trade Disputes in Peru and Ecuador, 2:30 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the Presidential Succession Act, 9:30 a.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Maritime Domain Awareness, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the status of the Department of Veterans Affairs smart card initiative(s), 9:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, Briefing on Threat Update, 1 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, 10 a.m., 11 LHOB.

Next Meeting of the SENATE
9:30 a.m., Wednesday, October 6

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of S. 2845, National Intelligence Reform Act, and vote on or in relation to certain amendments beginning at 11:30 a.m. Also, following third reading and passage of S. 2845, Senate will begin consideration of S. Res. 445, Intelligence Committee Reform Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 6

House Chamber

Program for Wednesday: Consideration of Suspensions:

- (1) H.R. 4302, District of Columbia Civil Commitment Modernization Act of 2004;
- (2) H. Res. 815, Congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee, conducted by the National Geographic Society;
- (3) H.R. 4302, Leonard C. Burch Post Office Building Designation Act;
- (4) H. Con. Res. 464, Honoring the 10 communities selected to receive the 2004 All-America City Award;
- (5) S. 129, Federal Workforce Flexibility Act of 2003;
- (6) H.R. 4807, Adam G. Kinser Post Office Building Designation Act;
- (7) S. 2415, Robert J. Opinsky Post Office Building Designation Act;
- (8) H.R. 4847, Lieutenant General James V. Edmundson Post Office Building Designation Act;
- (9) H.R. 4968, Bill Monroe Post Office Building Designation Act;
- (10) H.R. 5053, Lieutenant John F. Finn Post Office Building Designation Act;

(11) H.R. 4829, Irma Rangel Post Office Building Designation Act;

(12) H.R. 5131, Special Olympics Sport and Empowerment Act of 2004;

(13) H.R. 5185, to temporarily extend the programs under the Higher Education Act of 1965;

(14) H.R. 5186, to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans;

(15) H. Res. 805, supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations;

(16) H. Con. Res. 131, expressing the sense of the Congress that student travel is a vital component of the educational process;

(17) H. Res. 809, supporting the goals and ideals of "Lights On Afterschool";

(18) H.R. 4306, to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment;

(19) H.R. 4453, Access to Rural Physicians Improvement Act of 2004;

(20) S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003;

(21) S. 2742, to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the U.S. Supreme Court;

(22) H. Res. 389, honoring the young victims of the Sixteenth Street Baptist Church bombing, recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary;

(23) H.R. 4661, Internet Spyware (I-SPY) Prevention Act of 2004; and

(24) H.R. 4794, to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations.

Consideration of H.R. 5107—Justice for All Act of 2004 (Subject to a Rule).



Congressional Record

provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512-1262; or by calling Toll Free 1-888-293-6498 or (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$217.00 for six months, \$434.00 per year, or purchased for \$6.00 per issue, payable in advance; microfiche edition, \$141.00 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (202) 512-1800, or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate