

# Daily Digest

## HIGHLIGHTS

Senate passed S. 2845, National Intelligence Reform Act.

Senate and House agreed to the Conference Report to accompany H.R. 4850, District of Columbia Appropriations Act.

The House passed H.R. 5212, Further Supplemental Appropriations for Disaster Relief.

## Senate

### Chamber Action

*Routine Proceedings, pages S10469–S10613*

**Measures Introduced:** Eleven bills and four resolutions were introduced, as follows: S. 2899–2909, S. Res. 448–450, and S. Con. Res. 141. **Page S10568**

#### Measures Passed:

**Trademarks:** Committee on the Judiciary was discharged from further consideration of S. 2796, to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks, and the bill was then passed. **Page S10488**

**Copyright Royalty and Distribution Reform Act:** Senate passed H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10488–S10504**

Collins (for Hatch/Leahy) Amendment No. 3975, in the nature of a substitute. **Page S10504**

**Public Works and Economic Development Act Reauthorization:** Senate passed S. 1134, to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10504–12**

Collins (for Inhofe) Amendment No. 3976, in the nature of a substitute. **Page S10512**

**National Intelligence Reform Act:** By 96 yeas to 2 nays (Vote No. 199), Senate passed S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, after taking action on the following amendments proposed thereto: **Pages S10476–88, S10512–43**

#### Adopted:

Stevens Modified Amendment No. 3840, to modify the discharge of the milestone decision authority with respect to the acquisition of major systems for intelligence programs of the Department of Defense. **Pages S10476–78**

Stevens Modified Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency. **Pages S10476–78**

Stevens Modified Amendment No. 3882, to improve the provisions relating to the Inspector General of the National Intelligence Authority. **Pages S10476–78**

By a unanimous vote of 98 yeas (Vote No. 198), Roberts Modified 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 S10476, S10485–86**

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation. **Pages S10476, S10486–87**

Reid (for Harkin) Modified Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board. **Pages S10476, S10487**

Collins/Lieberman Amendment No. 3962 (to Amendment No. 3809), to improve the amendment. **Pages S10487–88**

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities. **Pages S10476, S10487–88**

Warner Modified Amendment No. 3875, relating to the components of the National Intelligence Program. **Pages S10476, S10516–18**

Stevens/Inouye Modified Amendment No. 3827, to strike section 206, relating to information sharing. **Pages S10476, S10518–19**

Reid (for Leahy) Modified Amendment No. 3915, to establish criteria for placing individuals on the

consolidated screening watch list of the Terrorist Screening Center. **Pages S10476, S10520–21**

Reid (for Leahy) Modified Amendment No. 3916, to strengthen civil liberties protections. **Pages S10476, S10521**

Collins (for Frist) Further Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority. **Pages S10476, S10537–40**

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees. **Pages S10476, S10540**

Collins/Lieberman Amendment No. 3977, to improve the bill. **Pages S10541–43**

Collins (for Ensign) Amendment No. 3978, to authorize 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 S10541–43**

Collins (for Kyl) Amendment No. 3979, to amend the Immigration and Nationality Act to ensure that nonimmigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States. **Pages S10541–43**

Lieberman (for Schumer) Amendment No. 3980, to require the establishment of pilot projects relating to the coordination of information among emergency first responders. **Pages S10541–43**

Lieberman (for Conrad) Modified Amendment No. 3837, to require the Secretary of Homeland Security to carry out an advanced technology northern border security pilot program. **Pages S10541–43**

Collins (for Domenici) Modified Amendment No. 3861, to direct the Secretary of Homeland Security to develop and implement a plan for continuous surveillance of the Southwest border of the United States by remotely piloted aircraft. **Pages S10541–43**

Lieberman (for Sarbanes) Amendment No. 3760, to provide that the Privacy and Civil Liberties Oversight Board include in certain reports, any proposal that the Board advised against, but actions were taken to implement. **Pages S10541–43**

Collins (for Roberts/DeWine) Modified Amendment No. 3924, to require the Federal Bureau of Investigation to maintain and update an enterprise architecture. **Pages S10541–43**

Lieberman (for Wyden) Modified Amendment No. 3733, to provide a report on the use of data to Congress. **Pages S10541–43**

Collins (for Warner) Modified Amendment No. 3880, to provide that the personnel policies and programs established by the National Intelligence Director shall be consistent with the personnel policies and standards applicable to members of the uniformed services. **Pages S10541–43**

Withdrawn:

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight. **Pages S10476, S10481–85**

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program. **Pages S10476, S10518**

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding. **Pages S10476, S10519**

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas. **Pages S10476, S10521**

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform. **Pages S10476, S10540**

A unanimous-consent agreement was reached providing that it be in order for the following previously agreed upon amendments to be consolidated into one title under the heading: "9/11 Commission Report Implementation Act": Amendment Numbers: 3942, 3807, 3702, 3774, 3705, 3766, and 3806. **Page S10522**

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

McCain/Lieberman Modified Amendment No. 3807, to develop a strategy for combining terrorist travel intelligence, operations, and law enforcement, previously agreed to on Friday, October 1, 2004, was modified by unanimous-consent. **Pages S10540–41**

*Anabolic Steroid Control Act:* Senate 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10606–09**

Frist (for Hatch/Biden) Amendment No. 3982, to make a technical amendment. **Page S10609**

*Authorizing Legal Representation:* Senate agreed to S. Res. 450, to authorize testimony and representation in United States v. Daniel Bayly, et al. **Pages S10610–11**

*Family Farmer Bankruptcy Relief Act:* Committee on the Judiciary was discharged from further consideration of S. 2864, to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted, and the bill was then passed. **Page S10611**

*National Earthquake Hazards Reduction Program:* Senate passed H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, after agreeing to the following amendment proposed thereto: **Pages S10611–12**

McConnell (for McCain/Nelson) Amendment No. 3983, in the nature of a substitute. **Page S10612**

*Belarus Democracy Act:* Senate passed H.R. 854, to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus

and for the consolidation and strengthening of Belarus sovereignty and independence, clearing the measure for the President. **Pages S10612–13**

**Intelligence Committee Reorganization:** Senate began consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, taking action on the following amendment proposed thereto:

**Pages S10543–51**

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute. **Pages S10543–51**

A motion was entered to close further debate on McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. **Page S10550**

A motion was entered to close further debate on S. Res. 445 and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. **Page S10551**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 10 a.m., on Thursday, October 7, 2004. **Page S10555**

**District of Columbia Appropriations—Conference Report:** Senate agreed to 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 revenues of said District for the fiscal year ending September 30, 2005, clearing the measure for the President. **Pages S10609–10**

#### Appointments:

**NATO Parliamentary Assembly:** The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senators Grassley, DeWine, Enzi, and Voinovich. **Page S10606**

**Nominations Confirmed:** Committee on Foreign Relations was discharged from further consideration of the following nominations which were then confirmed:

Christopher J. LaFleur, of New York, to be Ambassador to Malaysia.

B. Lynn Pascoe, of Virginia, to be Ambassador to the Republic of Indonesia.

Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Pakistan.

Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Albania.

A routine list in the Department of State.

**Pages S10555, S10606**

**Nominations Received:** Senate received the following nomination:

1 Air Force nomination in the rank of general.

**Page S10555**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nomination:

1 Air Force nomination in the rank of general.

**Page S10555**

**Nominations Discharged:** Committee on Foreign Relations was discharged from further consideration of the following nominations which were then placed on the Executive Calendar:

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, which was sent to the Senate on July 21, 2004, from the Senate Committee on Foreign Relations.

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009, which was sent to the Senate on July 21, 2004, from the Senate Committee on Foreign Relations.

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years, which was sent to the Senate on July 22, 2004, from the Senate Committee on Foreign Relations.

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development, which was sent to the Senate on September 8, 2004, from the Senate Committee on Foreign Relations.

Catherine Todd Bailey, of Kentucky, to be Ambassador to the Republic of Latvia, which was sent to the Senate on September 8, 2004, from the Senate Committee on Foreign Relations.

**Pages S10555, S10567**

**Messages From the House:** **Page S10566**

**Measures Referred:** **Page S10566**

**Executive Reports of Committees:** **Page S10566**

**Additional Cosponsors:** **Pages S10568–70**

**Statements on Introduced Bills/Resolutions:**  
**Pages S10570–87**

**Additional Statements:** **Pages S10564–66**

**Amendments Submitted:** **Pages S10587–S10605**

**Authority for Committees to Meet:**  
**Pages S10605–06**

**Record Votes:** Two record votes were taken today. (Total—199) **Pages S10486, S10543**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 8:01 p.m., until 9:30 a.m., on Thursday, October 7, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10555.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing 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 for Financial Management, who was introduced by Senator Brownback, and General Gregory S. Martin, USAF, for reappointment to the grade of general and to be Commander, United States Pacific Command, after the nominees testified and answered questions in their own behalf.

### WMD'S

*Committee on Armed Services:* Committee concluded a hearing to examine the report of the Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs, after receiving testimony from Charles A. Duelfer, Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs; and Brigadier General Joseph J. McMenamin, USMC, Commander of the Iraq Survey Group.

### NATURAL GAS

*Committee on Commerce, Science, and Transportation:* Subcommittee on Competition, Foreign Commerce, and Infrastructure concluded a hearing to examine issues relating to natural gas, focusing on the domestic supply and cost for the approaching peak winter months, after receiving testimony from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy; Paul Wilkinson, American Gas Association, and Wenonah Hauter, Public Citizen Energy Program, both of Washington, DC; and Gary D. Huss, Hudapack Metal Treating, Inc., Elkhorn, Wisconsin, on behalf of the National Association of Manufacturers.

### CURRENT VISA POLICY

*Committee on Foreign Relations:* Committee concluded a hearing to examine the impact of current visa policy on international students and researchers, after

receiving testimony from Martin C. Jischke, Purdue University, West Lafayette, Indiana; Adam W. Herbert, Indiana University, Bloomington; C.D. Mote, Jr., University of Maryland, College Park; Catheryn Cotten, Duke University International Office, Durham, North Carolina; Allan E. Goodman, Institute of International Education, New York, New York; and Marlene M. Johnson, NAFSA: Association of International Educators, and Theodore H. Kattouf, AMIDEAST, both of Washington, DC.

### EAST ASIA HEALTH PROGRAMS

*Committee on Foreign Relations:* Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine neglected diseases in East Asia regarding public health programs, focusing on malaria, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Health Organization, after receiving testimony from Anne Peterson, Assistant Administrator for Global Health, U.S. Agency for International Development; Donald R. Roberts, Professor, Division of Tropical Public Health, Department of Preventive Medicine and Biometrics, Uniformed Services University of the Health Sciences; and Robert Desowitz, University of North Carolina School of Public Health, Chapel Hill.

### BUSINESS MEETING

*Committee on Indian Affairs:* Committee approved the issuance of additional subpoenas pursuant to the In re Tribal Lobbying Matters, et al. investigation.

### BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nominations of Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration), and Robert N. Davis, of Florida, Mary J. Schoelen, of the District of Columbia, and William A. Moorman, of Virginia, each to be a Judge of the United States Court of Appeals for Veterans' Claims.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.