

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 4613, Department of Defense Appropriations Act.

Senate agreed to the conference report to accompany H.R. 2443, Coast Guard and Maritime Transportation Authorization.

House Committee ordered reported the following appropriations for fiscal year 2005: VA, HUD and Independent Agencies; and the Transportation, Treasury and Independent Agencies.

Senate

Chamber Action

Routine Proceedings, pages S8577–S8809

Measures Introduced: Fifty-seven bills and ten resolutions were introduced, as follows: S. 2716–72, S. Res. 415–419, and S. Con. Res. 131–135.

Pages S8687–89

Measures Reported:

H.R. 3340, to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the “James E. Worsham Post Office” and the “James E. Worsham Carrier Annex Building”, respectively.

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

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

H.R. 4327, to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the “Vitalas ‘Veto’ Reid Post Office Building”.

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

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

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

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

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

Page S8686

Measures Passed:

National Veterans Business Development Corporation Clarification: Senate passed S. 2724, to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

Pages S8640–41

FHA Mortgage Insurance: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 2712, to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act, and the bill was then passed.

Page S8627

Patient Safety and Quality Improvement Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 663, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 720, Senate companion measure, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8627–33**

Frist (for Gregg/Kennedy) Amendment No. 3568, in the nature of a substitute. **Pages S8632–33**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Gregg, Frist, Enzi, Alexander, Kennedy, Dodd, and Jeffords. **Pages S8632–33**

Subsequently, S. 720 was returned to the Senate calendar. **Pages S8632–33**

U.S.-Morocco Free Trade Agreement Implementation Act: Pursuant to the order of July 21, 2004, Senate passed H.R. 4842, to implement the United States-Morocco Free Trade Agreement. **Page S8633**

Subsequently, the July 21, 2004 passage of S. 2677, Senate companion measure, was vitiated, and the bill was then returned to the Senate calendar. **Page S8633**

TEA–21 Extension: Senate passed H.R. 4916, 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, clearing the measure for the President. **Pages S8790–91**

Sudan Human Rights: Senate agreed to S. Con. Res. 133, declaring genocide in Darfur, Sudan. **Pages S8792–93**

Condemning Anti-Semitic Attack: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 126, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case, and the resolution was then agreed to. **Pages S8793–94**

Urging the Government of Ukraine: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 106, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential

election on October 31, 2004, and the resolution was then agreed to. **Pages S8794–95**

Iran Nuclear Safeguards Agreement: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, and the resolution was agreed to, after agreeing to the following amendments proposed thereto: **Pages S8795–98**

Frist (for Kyl/Feinstein) Amendment No. 3569, in the nature of a substitute. **Pages S8796–97**

Frist (for Kyl) Amendment No. 3570, to amend the preamble. **Pages S8797–98**

Frist (for Kyl) Amendment No. 3571, to amend the title. **Page S8798**

Iran: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, and the resolution was then agreed to. **Pages S8798–99**

Frist (for Kyl/Feinstein) Amendment No. 3572, in the nature of a substitute. **Page S8798**

Frist (for Kyl) Amendment No. 3573, to amend the preamble. **Page S8798**

Frist (for Kyl) Amendment No. 3574, to amend the title. **Page S8798**

Perry B. Duryea, Jr. Post Office: Senate passed S. 2501, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office". **Page S8799**

Guardians of Freedom Memorial Post Office Building: Senate passed S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site. **Page S8799**

Ben Nighthorse Campbell Post Office Building: Senate passed S. 2682, to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building". **Page S8799**

James E. Worsham facilities: Senate passed H.R. 3340, to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, clearing the measure for the President. **Page S8799**

Newell George Post Office Building: Senate passed H.R. 4222, to designate the facility of the

United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the “Newell George Post Office Building”, clearing the measure for the President. **Page S8799**

Vitilas ‘Veto’ Reid Post Office Building: Senate passed H.R. 4327, to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the “Vitilas ‘Veto’ Reid Post Office Building”, clearing the measure for the President. **Page S8799**

Perry B. Duryea, Jr. Post Office: Senate passed H.R. 4427, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the “Perry B. Duryea, Jr. Post Office”, clearing the measure for the President. **Page S8799**

National Museum of the American Indian: Senate agreed to S.J. Res. 41, commemorating the opening of the National Museum of the American Indian, after agreeing to the committee amendment in the nature of a substitute. **Pages S8799–S8800**

Record Production Authorization: Senate agreed to S. Res. 415, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs. **Page S8800**

Congratulating California State University Fullerton baseball team: Senate agreed to S. Res. 416, congratulating the California State University, Fullerton baseball team on winning the 2004 College World Series. **Pages S8800–01**

Congratulating UCLA Women’s Softball team: Senate agreed to S. Res. 417, congratulating the University of California at Los Angeles women’s softball team on winning the 2004 National Collegiate Athletic Association Championship. **Page S8801**

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 418, designating September 2004 as “National Prostate Cancer Awareness Month.” **Pages S8801–02**

Authorizing Printing of Commemorative Document: Senate agreed to S. Con. Res. 135, authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan. **Page S8802**

Recognizing AMVETS: Senate agreed to H. Con. Res. 308, recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day. **Page S8802**

Commending U.S. Institute of Peace: Senate agreed to S. Con. Res. 109, commending the United States Institute of Peace on the occasion of its 20th

anniversary and recognizing the Institute for its contribution to international conflict resolution.

Pages S8802–03

National Veterans Awareness Week: Senate agreed to S. Res. 401, designating the week of November 7 through November 13, 2004, as “National Veterans Awareness Week” to emphasize the need to develop educational programs regarding the contributions of veterans to the country. **Page S8803**

Smokey Bear’s 60th Anniversary: Senate agreed to S. Res. 404, designating August 9, 2004, as “Smokey Bear’s 60th Anniversary”. **Pages S8803–04**

National Mammography Day: Senate agreed to S. Res. 407, designating October 15, 2004, as “National Mammography Day”. **Page S8804**

SUTA Dumping Prevention Act: Senate passed H.R. 3463, to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits, clearing the measure for the President. **Page S8804**

Recognizing Historically Black Colleges and Universities: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 221, recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities, and the resolution was then agreed to. **Page S8804**

Recognizing Gold Medal Recipients: Committee on Governmental Affairs was discharged from further consideration of S. Res. 400, recognizing the 2004 Congressional Awards Gold Medal Recipients, and the resolution was then agreed to. **Pages S8804–05**

Service Activities to Assist Seniors: Committee on the Judiciary was discharged from further consideration of S. Res. 409, encouraging increased involvement in service activities to assist senior citizens, and the resolution was then agreed to. **Pages S8805–06**

National Purple Heart Recognition Day: Committee on Armed Services was discharged from further consideration of S. Con. Res. 112, supporting the goals and ideals of National Purple Heart Recognition Day, and the resolution was then agreed to. **Page S8806**

Honoring WWII Army Motor Transport Brigade: Committee on Armed Services was discharged from further consideration of H. Con. Res. 439, honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express

for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France, and the resolution was then agreed to.

Page S8806

Adjournment Resolution: Senate agreed to H. Con. Res. 479, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Page S8807

Tamper-Resistant Entry/Exit Documents: Senate passed H.R. 4417, to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

Page S8807

Department of Defense Appropriations—Conference Report: By a unanimous vote of 96 yeas (Vote No. 163), Senate agreed to the conference report to accompany H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

Pages S8614–16, S8617–22

Coast Guard and Maritime Transportation—Conference Report: Senate agreed to the conference report to accompany H.R. 2443, to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, clearing the measure for the President.

Pages S8624–27

Signing Authority Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Assistant Majority Leader, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions.

Page S8806

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the Senate's adjournment, all committees be authorized to file legislative and executive reports of the Senate on Wednesday, August 25, 2004, from 10 a.m. to 12 noon.

Page S8806

Appointment Authority—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Democratic Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Pages S8806–07

Nomination: Senate continued consideration of the nomination of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8585–93

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

By 52 yeas to 46 nays (Vote No. 160), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Pages S8592–93

Nomination: Senate continued consideration of the nomination of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8593–95

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

By 54 yeas to 44 nays (Vote No. 161), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S8595

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

Page S8595

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

By 53 yeas to 44 nays (Vote No. 162), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S8595

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nominations of Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas, at 5 p.m., on Tuesday, September 7, 2004, and that the time until 5:30 p.m. be equally divided between the Chairman and Ranking Member of the Committee on the Judiciary; after which Senate will vote on confirmation of the nominations respectively; following which, Senate will consider and vote on the nomination of Michael H. Watson, to be United States District Judge for the Southern District of Ohio.

Page S8791

Nominations—Agreement: A unanimous-consent agreement was reached providing that all nominations remain in status quo, notwithstanding the adjournment of the Senate, and the provisions of rule XXXI, Paragraph 6, of the Standing Rules of the Senate, with certain exceptions.

Page S8791

Appointments:

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the

Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee. **Page S8806**

Nominations Confirmed: Senate confirmed the following nominations:

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration. (New Position)

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security. (New Position)

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

2 Air Force nominations in the rank of general.

9 Army nominations in the rank of general.

3 Coast Guard nominations in the rank of admiral.

9 Marine Corps nominations in the rank of general.

26 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, National Oceanic and Atmospheric Administration, Navy. **Pages S8808–09**

Nominations Received: Senate received the following nominations:

Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2009. (Reappointment)

James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

Alan Greenspan, of New York, to be United States Alternate Governor of the International Monetary Fund for a term of five years. (Reappointment)

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

Lisa Godbey Wood, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Gregory Franklin Jenner, of Oregon, to be an Assistant Secretary of the Treasury.

Yousif B. Ghafari, of Michigan, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Jane Dee Hull, of Arizona, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy (Environment, Safety and Health).

Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States.

Routine lists in the Air Force. **Pages S8807–08**

Nominations Returned to the President: The following nominations were returned to the President failing of confirmation under Senate rule XXXI at the time of the adjournment of the 108th Congress:

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001; and

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003. **Page S8791**

Messages From the House:

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Measures Referred:

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Measures Placed on Calendar:	Page S8677
Executive Communications:	Page S8678
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Executive Reports of Committees:	Pages S8686–87
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Statements on Introduced Bills/Resolutions:	Pages S8691–S8776
Additional Statements:	Pages S8671–77
Amendments Submitted:	Pages S8776–89
Notices of Hearings/Meetings:	Pages S8789
Authority for Committees to Meet:	Pages S8789–90
Privilege of the Floor:	Page S8790
Record Votes: Four record votes were taken today. (Total—163)	Pages S8592–93, S8595, and S8622)

Adjournment: Senate met at 9:30 a.m., and, in accordance with the provisions of H. Con. Res. 479, adjourned at 11:46 p.m., until 12 noon, on Tuesday, September 7, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8807.)

Committee Meetings

(Committees not listed did not meet)

APPALACHIAN COUNCIL/WORKING FOR AMERICA INSTITUTE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded a hearing to examine contract renewal issues relative to the Appalachian Council and future funding issues relative to the Working for America Institute, focusing on vocational training, job placement and career transition services to Job Corps students and graduates, after receiving testimony from Thomas M. Dowd, Deputy Assistant Secretary of Labor for Employment and Training Administration; Mayor Bobby Baker, Batesville, Mississippi; Richard C. Trigg, Job Corps, and Nancy Mills, Working for America Institute, both of Washington, D.C.; Jim Bowen, West Virginia AFL–CIO, Gary Darlington and Herb Mabry, both of the Appalachian Council, all of Charleston, West Virginia; Bill George, Pennsylvania AFL–CIO, Harrisburg; and William Burga, Ohio AFL–CIO, Columbus.

ARMY INSPECTOR GENERAL REPORT

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Army Inspector General Report on detention operation doctrine and training, after receiving testimony from Les

Brownlee, Acting Secretary of the Army; General Peter J. Schoomaker, USA, Chief of Staff of the Army; Lieutenant General Paul T. Mikolashek, USA, Inspector General of the Army; and Lieutenant General Keith B. Alexander, USA, Deputy Chief of Staff, G–2.

SEC PROPOSED RULEMAKING

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the proposed Regulation NMS (National Market System) relative to trade-throughs, intermarket access, sub-penny pricing, and market data, and market structure developments, after receiving testimony from Davi M. D'Agostino, Director, Financial Markets and Community Investments, Government Accountability Office; David Colker, National Stock Exchange, Chicago, Illinois; Kevin Cronin, AIM Investments, Houston, Texas; Scott DeSano, Fidelity Investments, Boston, Massachusetts; Phylis M. Esposito, Ameritrade Holding Corporation, Omaha, Nebraska; Charles Leven, AARP, Washington, D.C.; and Bernard L. Madoff, Bernard L. Madoff Investment Securities, Robert H. McCooey Jr., Griswold Company, Inc., Kim Bang, Bloomberg Tradebook, LLC, Robert B. Fagenson, Van der Moolen Specialists, John C. Giesea, Security Traders Association, all of New York, New York.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 2295, to authorize appropriations for the Homeland Security Department's Directorate of Science and Technology, establish a program for the use of advanced technology to meet homeland security needs;

H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program;

S. 2603, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions;

S. 2644, to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, with an amendment in the nature of a substitute;

S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, with an amendment in the nature of a substitute;

S. 2505, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service, with an amendment;