

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S5715–S5813*

**Measures Introduced:** Twelve bills and four resolutions were introduced, as follows: S. 1096–1107, S. Res. 152–153, and S. Con. Res. 36–37. **Page S5778**

**Measures Reported:** Report to accompany S. Res. 50, authorizing expenditures by committees of the Senate for the periods March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007. (S. Rept. No. 109–70)

**Page S5778**

#### Measures Passed:

**Welcoming President of Afghanistan:** Senate agreed to S. Res. 152, welcoming His Excellency Hamid Karzai, the President of Afghanistan, and expressing support for a strong and enduring strategic partnership between the United States and Afghanistan. **Page S5743**

**State Criminal Alien Assistance Program Reauthorization Act:** Senate passed S. 188, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program, after agreeing to the following amendment proposed thereto: **Page S5743**

Burns (for Feinstein) Amendment No. 763, to require that certain funds are used for correctional purposes. **Page S5743**

**Nomination Considered:** Senate resumed consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5715–43, S5744–75**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 9:45 a.m., on Tuesday, May 24, 2005; provided further, that at 12 noon, Senate vote on the motion to invoke cloture on the nomination. **Page S5807**

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

By 90 yeas to 1 nay (Vote No. 126), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S5747**

#### 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 Senator as Acting Vice Chairman to the NATO Parliamentary Assembly for the spring meeting in Ljubljana, Slovenia, May 2005: Senator Leahy. **Page S5743**

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

Tome Luce, of Texas, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010.

Rod J. Rosenstein, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

1 Army nomination in the rank of general.

**Page S5813**

#### Measures Read First Time:

**Page S5778**

#### Additional Cosponsors:

**Pages S5778–80**

#### Statements on Introduced Bills/Resolutions:

**Pages S5780–S5807**

#### Additional Statements:

**Pages S5776–77**

#### Amendments Submitted:

**Page S5807**

**Quorum Calls:** One quorum call was taken today. (Total—3) **Page S5747**

**Record Votes:** One record vote was taken today. (Total—126) **Page S5747**

**Adjournment:** Senate convened at 11:30 a.m. and adjourned at 10:13 p.m. until 9:45 a.m., on Tuesday, May 24, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5807.)

## Committee Meetings

(Committees not listed did not meet)

### INDIVIDUAL ALTERNATIVE MINIMUM TAX

*Committee on Finance:* Subcommittee on Taxation and IRS Oversight held a hearing to examine the impact of the individual Alternative Minimum Tax (AMT), the separate tax system within the individual income tax system that applies lower tax rates to a broader

base of income and a proposal to repeal the AMT, receiving testimony from Robert J. Carroll, Deputy Assistant Secretary of the Treasury for Tax Analysis; Douglas Holtz-Eakin, Director, Congressional Budget Office; Carol C. Markman, Feldman, Meinberg and Company, LLP, Syosset, New York, on behalf of the National Conference of CPA Practitioners; Nina E. Olson, National Taxpayer Service, Leonard E. Berman, The Urban Institute Tax Policy Center, and Kevin A. Hassett, American Enterprise Institute, all of Washington, D.C.

Hearing recessed subject to the call.

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# House of Representatives

## Chamber Action

**Measures Introduced:** 42 public bills, H.R. 2518–2559; and 4 resolutions, H.J. Res. 51; H. Con. Res. 163–164; and H. Res. 292, were introduced.

**Pages H3767–69**

**Additional Cosponsors:**

**Page H3769**

**Reports Filed:** Reports were filed today as follows:

Filed on May 20, 2005: H.R. 742, to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration (H. Rept. 109–61, Pt. 2);

Filed on May 20, 2005: H.R. 1815, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, amended (H. Rept. 109–89);

H. Res. 243, recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week (H. Rept. 109–90);

H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, amended (H. Rept. 109–91);

H.R. 250, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, amended (H. Rept. 109–92);

H.R. 744, to amend title 18, United States Code, to discourage spyware (H. Rept. 109–93);

H. Res. 291, providing for consideration of H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006 (H. Rept. 109–94); and

H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–95).

**Page H3767**

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

**Page H3697**

**Recess:** The House recessed at 12:43 p.m. and reconvened at 2 p.m.

**Page H3698**

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

**Stop Counterfeiting in Manufactured Goods Act:** H.R. 32, amended, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks;

**Pages H3699–H3703**

**Internet Spyware (I-SPY) Prevention Act of 2005:** H.R. 744, amended, to amend title 18, United States Code, to discourage spyware, by a 2/3 yea-and-nay vote of 395 yeas to 1 nay, Roll No. 200;

**Pages H3703–05, H3744**

**Securely Protect Yourself Against Cyber Trespass Act:** H.R. 29, amended, to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, by a 2/3 yea-and-nay vote of 393 yeas to 4 nays, Roll No. 201;

**Pages H3705–12, H3744–45**

**Heroes Earned Retirement Opportunities Act:** H.R. 1499, amended, to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces serving in a combat zone for contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income;

Pages H3712–14

Agreed to amend the title so as to read: to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

Page H3714

**Angel Island Immigration Station Restoration and Preservation Act:** H.R. 606, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California;

Pages H3714–16

**Providing for the conveyance of public land in Clark County, Nevada:** H.R. 849, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport;

Pages H3716–17

**Revoking a Public Land Order regarding Cibola National Wildlife Refuge:** H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California;

Page H3718

**General Services Administration Modernization Act:** H.R. 2066, amended, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund;

Pages H3720–22

**Celebrating Asian Pacific American Heritage Month:** H. Res. 280, amended, celebrating Asian Pacific American Heritage Month;

Pages H3722–24

**Recognizing the 57th anniversary of the independence of the State of Israel:** H. Con. Res. 149, amended, recognizing the 57th anniversary of the independence of the State of Israel, by a  $\frac{2}{3}$  yeas-and-nay vote of 397 yeas with none voting “nay”, Roll No. 202;

Pages H3724–28, H3745–46

**Honoring the life of Sister Dorothy Stang:** H. Con. Res. 89, honoring the life of Sister Dorothy Stang;

Pages H3728–29

**Urging the Government of Romania to provide fair restitution to religious communities for property confiscated by the former Communist government:** H. Res. 191, amended, urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all

religious communities for property confiscated by the former Communist government in Romania;

Pages H3729–32

**Urging the withdrawal of Syrian forces from Lebanon and support for fair democratic elections and rule in Lebanon:** H. Res. 273, amended, urging the withdrawal of all Syrian forces from Lebanon, support for free and fair democratic elections in Lebanon, and the development of democratic institutions and safeguards to foster sovereign democratic rule in Lebanon;

Pages H3732–35

**Welcoming His Excellency Hamid Karzai, the President of Afghanistan:** H. Con. Res. 153, welcoming His Excellency Hamid Karzai, the President of Afghanistan, on the occasion of his visit to the United States in May 2005 and expressing support for a strong and enduring strategic partnership between the United States and Afghanistan;

Pages H3735–37

**Recognizing the promotion of National Safe Boating Week:** H. Res. 243, recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week; and

Pages H3737–38

**Servicemembers Health Insurance Protection Act of 2005:** H.R. 2046, amended, to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service.

Pages H3740–43

**Suspension—Proceedings Postponed:** The House completed debate on the following measure under suspension of the rules. Further consideration will continue tomorrow, May 24.

**Business Checking Freedom Act of 2005:** H.R. 1224, amended, to repeal the prohibition on the payment of interest on demand deposits.

Pages H3839–40

**Recess:** The House recessed at 5:32 p.m. and reconvened at 6:31 p.m.

Page H3743

**Stem Cell Research Enhancement Act of 2005—Order of Business:** The House agreed that (1) it shall be in order at any time without intervention of any point of order to consider H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research; (2) the bill shall be considered as read; (3) the previous question shall be considered as ordered without intervening motion except three hours of debate equally divided, and one motion to recommit; and (4) during consideration of the bill, notwithstanding the operation of

the previous question, the Chair may postpone further consideration to a time designated by the Speaker.

Page H3746

**Senate Message:** Message received from the Senate today appears on pages H3698–99.

**Senate Referrals:** S. Con. Res. 35 was referred to the Committee on International Relations.

Page H3765

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings today and appear on pages H3744, H3744–45, and H3745–46. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 10:30 p.m.

## Committee Meetings

### MISCELLANEOUS APPROPRIATIONS

*Committee on Appropriations:* Held a hearing on the following: the House of Representatives, GAO, GPO, the Library of Congress and the Open World Leadership Center. Testimony was heard from Jay M. Eagen III, Chief Administrative Officer, House of Representatives; David M. Walker, Comptroller General, GAO; Bruce R. James, Public Printer, GPO, and James H. Billington, Librarian of Congress and Chairman, Open World Leadership Center.

### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FOR FISCAL YEAR 2006

*Committee on Rules:* Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, 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. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hobson and Visclosky.

## COMMITTEE MEETINGS FOR TUESDAY, MAY 24, 2005

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Justice, 10 a.m., SD–192.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine S. 529, to designate a United States Anti-Doping Agency and to examine the competitive pressures that lead amateur athletes to use drugs, the sources of such drugs, and the science of doping, 10 a.m., SR–253.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain and Andorra, Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, Victoria Nuland, of Connecticut, to be Permanent Representative of the United States of America on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, and John F. Tefft, of Virginia, to be Ambassador to Georgia, and Craig Roberts Stapleton, of Connecticut, to be Ambassador to France, 9:30 a.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold an oversight hearing to examine a review of the U.S. Office of Special Counsel, focusing on safeguarding the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, 10 a.m., SD–562.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold an oversight hearing to examine the competitive effects of specialty hospitals, 2 p.m., SD–562.

*Select Committee on Intelligence:* to resume hearings to examine the USA Patriot Act (P.L. 107–56), 9:30 a.m., SD–106.

### House

*Committee on Agriculture,* Subcommittee on General Farm Commodities and Risk Management, hearing to Review the U.S. Grain Standards Act, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Defense, executive, to mark up the Fiscal Year 2006 appropriations, 2 p.m., H–140 Capitol.

Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, to mark up the Fiscal Year 2006 appropriations, 9:30 a.m., H–309 Capitol.

*Committee on Education and the Workforce,* Subcommittee on Select Education, hearing entitled “An Examination of the Older Americans Act,” 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Oversight and Investigations, hearing on Reducing the Threat of Nuclear Terrorism: A Review of the Department of Energy's Global Threat Reduction Initiative, 2 p.m., 2322 Rayburn.

*Committee on Financial Services*, Subcommittee on Housing and Community Opportunity and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing entitled "Legislative Solutions to Abusive Mortgage Lending Practices," 10 a.m., 2128 Rayburn.

*Committee on Government Reform*, Subcommittee on Federalism and the Census, hearing entitled "Bringing Community Development Block Grant Program (CDBG) Spending into the 21st Century: Introducing Accountability and Meaningful Performance Measures into the Decades-Old CDBG Program," 10 a.m., 2154 Rayburn.

*Committee on Homeland Security*, Subcommittee on Management, Integration, and Oversight, hearing entitled "Training More Border Patrol Agents: How the Department of Homeland Security Can Increase Training Capacity Most Effectively," 2 p.m., 210 Cannon.

*Committee on the Judiciary*, Subcommittee on the Constitution and the Subcommittee on Commercial and Administrative Law, joint oversight hearing on Economic Development and the Dormant Commerce Clause: The Lessons of *Curo v. Daimler Chrysler* and Its Effect on State Taxation Affecting Interstate Commerce," 10 a.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on Fisheries and Oceans, oversight hearing on the Federal Fish Hatchery System, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Current Obstacles in Biomass Utilization: A GAO Report on Problems Agencies Face in the Utilization of Woody Biomass, and the extent to which they are addressing these problems, 3:30 p.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on H.R. 1071, Desalination Drought Protection Act of 2005, and a hearing entitled "Reducing Power and other Costs of the Desalination Process," 10 a.m., 1334 Longworth.

*Committee on Rules*, to consider H.R. 1815, National Defense Authorization Act for Fiscal Year 2006, 2:30 p.m., H-313 Capitol.

*Committee on Small Business*, Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Economic Opportunity of the Committee on Veterans' Affairs, joint hearing entitled "How Are Our Veteran-Owned Small Business Owners Being Served?" 10 a.m., 311 Cannon.

*Committee on Ways and Means*, to mark up H.J. Res. 27, Withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, 10 a.m., 1100 Longworth.

Subcommittee on Select Revenue Measures, hearing on Tax Credits for Electricity Production from Renewable Sources, 2 p.m., 1100 Longworth.

Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 2 p.m., B-318 Rayburn.

*Permanent Select Committee on Intelligence*, executive, to mark up H.R. 2475, Intelligence Authorization Act for Fiscal Year 2006, 12:30 p.m., H-405 Capitol.

*Next Meeting of the SENATE*

9:45 a.m., Tuesday, May 24

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, May 24

## Senate Chamber

**Program for Tuesday:** Senate will continue consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, with a vote on the motion to invoke cloture on the nomination to occur at 12 noon.

*(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** Consideration of Suspensions: H.R. \_\_\_\_, Stem Cell Therapeutic and Research Act of 2005. Consideration of H.R. 810, Stem Cell Research Enhancement Act of 2005 (subject to a rule). Consideration of H.R. 2419, Energy and Water Development and Related Agencies Appropriations Act for FY 2006 (open rule, one hour of debate):

## Extensions of Remarks, as inserted in this issue

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