

# Daily Digest

## HIGHLIGHTS:

- House and Senate agreed to the conference report to accompany H.R. 3, Transportation Equity Act.
- Senate agreed to the conference report to accompany H.R. 2361, Department of the Interior Appropriations.
- Senate agreed to the conference report to accompany H.R. 2985, Legislative Branch Appropriations.
- Senate agreed to the conference report to accompany H.R. 6, Energy Policy Act.
- Senate passed S. 397, Protection of Lawful Commerce in Arms Act.
- The House agreed to the Conference Report on H.R. 3, Transportation Equity Act: A Legacy for Users.

## Senate

### Chamber Action

*Routine Proceedings, pages S9323–S9591*

**Measures Introduced:** Fifty-seven bills and eleven resolutions were introduced, as follows: S. 1553–1609, S. Res. 224–232, and S. Con. Res. 49–50. **Pages S9466–69**

#### Measures Reported:

S. 1291, to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe. (S. Rept. No. 109–116)

S. 518, to provide for the establishment of a controlled substance monitoring program in each State, with an amendment in the nature of a substitute. (S. Rept. No. 109–117)

S. 1231, to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education, with an amendment in the nature of a substitute. (S. Rept. No. 109–118)

S. 1566, to reauthorize the Commodity Exchange Act. (S. Rept. No. 109–119)

S. 1567, to reauthorize and improve surface transportation safety programs. (S. Rept. No. 109–120)

Report to accompany S. 288, to extend Federal funding for operation of State high risk health insurance pools. (S. Rept. No. 109–121)

H.R. 804, to exclude from consideration as income certain payments under the national flood insurance program.

S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the \$1 coin, to create a new bullion coin. **Page S9466**

#### Measures Passed:

**Enrollment Correction:** Senate agreed to H. Con. Res. 226, providing for a correction in the enrollment of H.R. 3. **Pages S9330–31**

**Protection of Lawful Commerce in Arms Act:** By 65 yeas to 31 nays (Vote No. 219), Senate passed S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, after taking action on the following amendments proposed thereto: **Pages S9374–98**

#### Adopted:

By 72 yeas to 26 nays (Vote No. 214), Craig Amendment No. 1644, to protect the rights of children who are victimized by crime to secure compensation from those who participate in the arming of criminals. **Pages S9377–79**

By 87 yeas to 11 nays (Vote No. 216), Craig Amendment No. 1645, to regulate the sale and possession of armor piercing ammunition.

**Pages S9382–84**

Frist Modified Amendment No. 1606 (to Amendment No. 1605), to make clear that the bill does not apply to actions commenced by the Attorney General to enforce the Gun Control Act and National Firearms Act.

**Page S9395**

Frist (for Craig) Modified Amendment No. 1605, to make clear that the bill does not apply to actions commenced by the Attorney General to enforce the Gun Control Act.

**Page S9395**

Rejected:

By 35 yeas to 64 nays (Vote No. 215), Lautenberg/Corzine Amendment No. 1620, to exempt lawsuits involving injuries to children from the definition of qualified civil liability action.

**Pages S9375–77, S9379**

By 31 yeas to 64 nays (Vote No. 217), Kennedy Amendment No. 1615, to expand the definition of armor piercing ammunition.

**Pages S9379–82, S9384**

Corzine Amendment No. 1619, to protect the rights of law enforcement officers who are victimized by crime to secure compensation from those who participate in arming criminals.

**Pages S9384–86**

By 33 yeas to 63 nays (Vote No. 218), Reed Amendment No. 1642, in the nature of a substitute.

**Pages S9386–88**

**Highway Extension:** Senate passed H.R. 3512, to provide an extension of administrative expenses for 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.

**Page S9418**

**USA PATRIOT and Terrorism Prevention Reauthorization Act:** Senate passed H.R. 3199, to extend and modify authorities needed to combat terrorism, after striking all after the enacting clause and inserting in lieu thereof, the text of the committee-reported substitute to S. 1389, Senate companion measure.

**Pages S9558–79**

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: Senators Specter, Hatch, Kyl, DeWine, Sessions, Roberts, Leahy, Kennedy, Rockefeller, and Levin.

**Pages S9558–79**

**National Prostate Cancer Awareness Month:** Senate agreed to S. Res. 230, designating September 2005 as “National Prostate Cancer Awareness Month”.

**Page S9583**

**Transitional National Assembly of Iraq:** Senate agreed to S. Res. 231, encouraging the Transitional National Assembly of Iraq to adopt a constitution that grants women equal rights under the law and to work to protect such rights.

**Pages S9583–84**

**Controlled Substance Monitoring Program:** Senate passed H.R. 1132, to provide for the establishment of a controlled substance monitoring program in each State, clearing the measure for the President.

**Page S9584**

**National Women’s History Museum:** Senate passed S. 501, to provide a site for the National Women’s History Museum in the District of Columbia, after agreeing to the following amendment proposed thereto:

**Pages S9584–85**

Frist (for Collins) Amendment No. 1646, to specify that no Federal funds are to be used to establish, construct, or operate the National Women’s History Museum.

**Pages S9584–85**

**Federal, Food, Drug and Cosmetic Act:** Senate passed S. 172, to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto:

**Page S9585**

Frist (for DeWine) Amendment No. 1647, in the nature of a substitute.

**Page S9585**

**CAFTA Implementation Act—Vote Change:** A unanimous-consent request was granted permitting Senator Specter to change his yeas vote to a nay vote on Vote No. 209, changing the outcome of the vote to 55 yeas to 45 nays relative to the July 28, 2005 passage of H.R. 3045, to implement the Dominican Republic-Central America-United States Free Trade Agreement.

**Pages S9440–41**

**Department of the Interior Appropriations—Conference Report:** By 99 yeas to 1 nay (Vote No. 210), Senate agreed to the conference report to accompany H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, clearing the measure for the President.

**Pages S9323, S9331–33, S9367–72**

**Legislative Branch Appropriations—Conference Report:** By 96 yeas to 4 nays (Vote No. 211), Senate agreed to the conference report to accompany H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, clearing the measure for the President.

**Pages S9323–30, S9333–35, S9373**

**Energy Policy Act—Conference Report:** By 74 yeas to 26 nays (Vote No. 213), the conference report to accompany H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, clearing the measure for the President.

**Pages S9335–67, S9373–74**

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

By 71 yeas to 29 nays (Vote No. 212), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to the conference report. The point of order that the conference report was in violation of section 302(f) of the Congressional Budget Act of 1974 was not sustained. **Page S9374**

**Transportation Equity Act—Conference Report:** By 91 yeas to 4 nays (Vote No. 220), Senate agreed to the conference report to accompany H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, clearing the measure for the President. **Pages S9398–S9418**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Majority Whip and both Senators from Virginia, be authorized to sign duly enrolled bills or joint resolutions. **Page S9557**

**Native Hawaiian Government Reorganization Act:** Senate began consideration of the motion to proceed to consideration of S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. **Pages S9557–58**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, September 6, 2005, at 5:30 p.m. **Pages S9557–58**

Subsequently, the motion to proceed was withdrawn. **Page S9558**

**Death Tax Permanency Act:** Senate began consideration of the motion to proceed to consideration of H.R. 8, to make the repeal of the estate tax permanent. **Page S9558**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture may occur on Tuesday, September 6, 2005. **Page S9558**

**Nominations—Agreement:** A unanimous-consent agreement was reached providing that all nominations received by the Senate during the 109th Congress, remain in status quo, during the August adjournment of the Senate, under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the exception of the nomination of John Robert Bolton, of Maryland, to be the U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations. **Page S9583**

**Authority for Committees:** A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive matters on Wednesday, August 31, 2005 from 10 a.m. until 12 noon. **Page S9585**

**Authorizing Leadership to Make Appointments—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 Minority 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. **Page S9585**

#### **Appointment:**

**British-American Interparliamentary Group:** The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed the following individuals as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the 109th Congress: Senators Gregg and Roberts. **Page S9585**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany Inter-American Convention Against Terrorism (Treaty Doc. 107–18) (Ex. Rept. 109–3) **Page S9466**

**Nominations Confirmed:** Senate confirmed the following nominations:

John C. Dugan, of Maryland, to be Comptroller of the Currency for a term of five years.

Timothy D. Adams, of Virginia, to be an Under Secretary of the Treasury.

Shara L. Aranoff, of Maryland, to be a Member of the United States International Trade Commission for a term expiring December 16, 2012.

James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years.

Henrietta Holsman Fore, of Nevada, to be an Under Secretary of State (Management).

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Treasury.

James A. Rispoli, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Randal Quarles, of Utah, to be an Under Secretary of the Treasury.

John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision for a term of five years.

Kevin I. Fromer, of Virginia, to be a Deputy Under Secretary of the Treasury.

Katherine Hubay Peterson, of California, to be Ambassador to Republic of Botswana.

Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of Malawi.

Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Granta Y. Nakayama, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Peter Manson Swaim, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Phillip Jackson Bell, of Georgia, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

Ronald M. Sega, of Colorado, to be Under Secretary of the Air Force.

Josette Sheeran Shiner, of Virginia, to be an Under Secretary of State (Economic, Business, and Agricultural Affairs).

Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Macedonia.

Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania.

Keith E. Eastin, of Texas, to be an Assistant Secretary of the Army.

Robert M. Kimmitt, of Virginia, to be Deputy Secretary of the Treasury.

Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador.

Kristen Silverberg, of Texas, to be an Assistant Secretary of State (International Organization Affairs).

James Cain, of North Carolina, to be Ambassador to Denmark.

Christopher Cox, of California, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009.

Jendayi Elizabeth Frazer, of Virginia, to be an Assistant Secretary of State (African Affairs).

Michael J. Garcia, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

William Robert Timken, Jr., of Ohio, to be Ambassador to the Federal Republic of Germany. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

William J. Burns, of the District of Columbia, to be Ambassador to the Russian Federation. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Roel C. Campos, of Texas, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2010.

Annette L. Nazareth, of the District of Columbia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

Martin J. Gruenberg, of Maryland, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 27, 2006.

Richard Henry Jones, of Nebraska, to be Ambassador to Israel. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Francis Joseph Ricciardone, Jr., of New Hampshire, to be Ambassador to Egypt. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring December 27, 2012.

52 Air Force nominations in the rank of general.

12 Army nominations in the rank of general.

6 Marine Corps nominations in the rank of general.

27 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy.

Pages S9589-91

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

John G. Roberts, Jr., of Maryland, to be an Associate Justice of the Supreme Court of the United States.

Terry Neese, of Oklahoma, to be Director of the Mint for a term of five years.

Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade.

Francis Rooney, of Florida, to be Ambassador to the Holy See.

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2010.

Mark Hofflund, of Idaho, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2008.

Robert Joseph Henke, of Virginia, to be an Assistant Secretary of Veterans Affairs (Management).

William F. Tuerk, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

1 Air Force nomination in the rank of general

1 Army nomination in the rank of general.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

**Pages S9588–89**

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

Albert Henry Konetzni, Jr., of New York, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009, which was sent to the Senate on January 4, 2005.

**Page S9591**

**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 109th Congress:

John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

John Robert Bolton, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

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**Messages From the House:** **Pages S9458–59**

**Measures Referred:** **Page S9459**

**Enrolled Bills Presented:** **Page S9459**

**Executive Communications:** **Page S9459**

**Petitions and Memorials:** **Pages S9459–66**

**Executive Reports of Committees:** **Page S9466**

**Additional Cosponsors:** **Pages S9469–72**

**Statements on Introduced Bills/Resolutions:**  
**Pages S9472–S9547**

**Additional Statements:** **Pages S9452–58**

**Amendments Submitted:** **Page S9547**

**Authority for Committees to Meet:** **Page S9547**

**Privilege of the Floor:** **Page S9548**

**Record Votes:** Eleven record votes were taken today. (Total—220) **Pages S9372, S9373, S9374, S9379, S9383–84, S9384, S9388, S9396, S9418**

**Adjournment:** Senate convened at 9 a.m. and, pursuant to the provisions of H. Con. Res. 225, adjourned at 8:35 p.m., until 12 noon, on Tuesday, September 6, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9586.)

## Committee Meetings

*(Committees not listed did not meet)*

### NOMINATIONS

*Committee on Finance:* Committee ordered favorably reported the nominations of Robert M. Kimmitt, of Virginia, to be Deputy Secretary, Randal Quarles, of Utah, to be an Under Secretary, Timothy D. Adams, of Virginia, to be an Under Secretary, Sandra L. Pack, of Maryland, to be an Assistant Secretary, Kevin I. Fromer, of Virginia, to be a Deputy Under Secretary, all of the Department of the Treasury, and Shara L. Aranoff, of Maryland, to be a Member of the United States International Trade Commission.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 24 public bills, H.R. 3616–3644; and 7 resolutions, H.J. Res. 63; H. Con. Res. 232; and H. Res. 417–421 were introduced. **Pages H7611–13**

**Additional Cosponsors:** **Pages H7613–14**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Bass to act as Speaker Pro Tempore for today. **Page H7569**

**Recess:** The House recessed at 9:09 a.m. and reconvened at 10:15 a.m. **Page H7570**

**Surface Transportation Extension Act:** The House passed H.R. 3512, 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, by voice vote. **Pages H7570–71**

**Transportation Equity Act: A Legacy for Users—Conference Report:** The House agreed to the conference report on H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, by a yea-and-nay vote of 412 yeas to 8 nays, Roll No. 453. **Pages H7571–83**

H. Res. 399, the rule providing for consideration of the conference report, was agreed to by voice vote. **Page H7570**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, September 7. **Page H7583**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Gilchrest, Representative Wolf, and Representative Tom Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 2005. **Page H7583**

**Publication of the Rules of the Committee on Standards of Official Conduct for the 109th Congress:** Agreed that the rules of the Committee on Standards of Official Conduct for the 109th Congress, adopted on May 4, 2005, be published. **Pages H7583–90**

**Senate Messages:** Messages received from the Senate today appear on pages H7569, H7583, and H7608.

**Senate Referrals:** S. 1375 was referred to the Committees on Resources and the Judiciary; and S. Con. Res. 39 was referred to the Committee on Armed Services. **Pages H7608–09**

**Quorum Calls—Votes:** One yea-and-nay vote developed during the proceedings today and appears on pages H7582–83. There were no quorum calls.

**Adjournment:** The House met at 9:00 a.m. and at 2:45 p.m. on Friday, July 29, pursuant to the provisions of H. Con. Res. 225, stands adjourned until 2:00 p.m. on Tuesday, September 6.

## *Committee Meetings*

No committee meetings were held.

## *Joint Meetings*

### TRANSPORTATION EQUITY ACT

*Conferees* on Thursday, July 28, 2005, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 857)

S. 544, 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 effect patient safety. Signed on July 29, 2005. (Public Law 109–41)

Next Meeting of the SENATE  
12 noon, Tuesday, September 6

Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 147, Native Hawaiian Government Reorganization Act, with a vote on the motion to invoke cloture thereon to occur at 5:30 p.m. Also, Senate may resume consideration of the motion to

proceed to consideration of H.R. 8, Estate Tax Act, with a vote on the motion to invoke cloture thereon.  
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 6

House Chamber

**Program for Tuesday, September 6:** To be announced.

## Extensions of Remarks, as inserted in this issue

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