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Matters of Interest to the Department of the Air Force
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HIGHLIGHTS
OCTOBER 8, 2004

DOD AUTHORIZATION – CONFERENCE REPORT: Conferees filed their report on the FY05 DoD authorization. Report is H.Rept.108-767. Text of the report is posted on the House Rules Cmte web site - http://www.house.gov/rules/108_conf_dod4200.htm. House began consideration of the conference report, with action to continue on October 9. (H8995-9007)

CONFIRMATIONS: Senate confirmed the nominations of 31 ANG to be 2 & 1-stars (list beginning Brubaker); and 160 Regular AF to be major (list beginning Aase). (S10897)

NOMINATIONS RECEIVED INCLUDE: 57 Regular AF to be ltcols (list beginning Allred); and 1425 Regular AF to be ltcols (list beginning Abruzzi). (S10893-7)

INTELLIGENCE REFORM: By a vote of 282-134 (roll#523, H8978) the House passed H.R.10, the intelligence reform bill, agreeing to 14 amdots thereto (including an en bloc amendment) and rejecting 2 amdots thereto. The bill now must go to conference to be resolved with the Senate version. (H8863-8978)

EXTENSIONS OF REMARKS, OCTOBER 8, 2004

EDUCATION: Rep Chris Smith (R-NJ) discussed H.R. 5239, a bill he introduced on October 6 cited as the Guard and Reserve Education Training Act (GREAT) of 2004. Said the bill would bring VA educational assistance opportunities for the Selected Reserve more into line with those of their active duty counterparts. Among the bill's provisions is language to increase the VA monthly educational assistance allowance rate for Guard/Reserve members from \$288 to \$400. (E1843)

EXTENSIONS OF REMARKS, OCTOBER 8, 2004

DRAFT / SELECTIVE SERVICE: Rep Kline (R-MN) voiced opposition to H.R. 163, the Universal National Service Act of 2003, suggesting that it was an election year scare tactic designed to revive worries about a return to a military draft. Noted his service in the Marine Corps and his experience in leading draftees. Said "Today's all-volunteer military, forged in the tragic "lessons learned" of Vietnam, has repeatedly demonstrated its professionalism and ability to defend America's national interests. The men and women of this well-educated and well-trained force serve our nation because they choose to do so." (E1843) Rep Schakowsky (D-IL) also expressed opposition to H.R.163, but warned that American's are exposed to a form of backdoor draft already through the implementation of "stop-loss" policies in the Army. Said "Seven thousand active duty soldiers and 3,000 National Guardsmen and Reservists will be forced into extended deployments by President Bush's "stop loss" orders that prevent them from leaving the service after their contract expires. Those orders hurt our brave men and women and they hurt their families. Extended deployments over-seas have been correlated to increased rates of alcoholism, domestic violence and divorce. The biggest tragedy of the current situation in Iraq is that the lives of brave military men and women are being disrupted--and in some cases changed forever--because of wrong foreign policies." (E1844)

MEASURES REPORTED, OCTOBER 8, 2004

SENATE

- S. 2628 - to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel. (S. Rept. No. 108-392)
- S. 2657 - to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management. (S. Rept. No. 108-393)

HOUSE

- Conference report on H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005 (H. Rept. 108-767)
- H.R. 3826 - to require the review of Government programs at least once every 5 years for purposes of evaluating their performance, amended (H. Rept. 108-768)
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BILLS INTRODUCED, OCTOBER 7, 2004

SENATE

By Mr BROWNBACK

S. 2917. A bill to amend the National Aeronautics and Space Act of 1958 to establish a centennial challenge program and establish a National Aeronautics and Space Foundation; to the Committee on Commerce, Science, and Transportation

By Mr PRYOR

S. 2942. A bill to amend the Internal Revenue Code of 1986 to provide that combat pay be treated as earned income for purposes of the earned income credit; to the Committee on Finance

HOUSE

By Mr LANE EVANS (for himself and others):

H.R. 5244. A bill to improve programs for the identification and treatment of Post-Traumatic Stress Disorder in veterans and members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services

By Mr BOEHLERT

H.R. 5245. A bill to extend the liability indemnification regime for the commercial space transportation industry; to the Committee on Science

By Mr BARTLETT

H.R. 5257. A bill to provide that members of the Armed Forces and Selected Reserve may transfer certain educational assistance benefits to dependents, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services

By Mr FOSSELLA

H.R. 5261. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Government Reform

By Mr SHIMKUS

H.R. 5271. A bill to direct the Secretary of Defense to establish and award a decoration, to be known as the ``Coalition of the Willing Medal``, to members of the military services of nations participating with the United States in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services

By Mr UDALL (NM)

H.R. 5275. A bill to provide for the remittance to certain Indian veterans of amounts withheld from military basic pay for State income tax purposes for periods of time those veterans were in active service and were domiciled in Indian country; to Armed Services

By Mr VAN HOLLEN

H.R. 5276. A bill to require that a conversion to contractor performance of an activity or function of the Federal Government may not result in the loss of employment of any Federal worker with a severe disability employed in that activity or function; to Government Reform

BILLS INTRODUCED, OCTOBER 7, 2004

HOUSE

By Mr CHABOT

H. Con. Res. 512. Concurrent resolution expressing the sense of Congress regarding the European Union's plans to lift the embargo on arms sales to the People's Republic of China; to the Committee on International Relations, and in addition to Armed Services

By Mr PITTS

H. Res. 840. A resolution honoring the members of the United States Armed Forces who served in the Vietnam War, and expressing the appreciation of the House of Representatives for the service and sacrifice of all veterans of the Vietnam era; to Veterans' Affairs

BILLS INTRODUCED, OCTOBER 8, 2004

SENATE

By Mr BOND

S. 2956. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services

HOUSE

By Mr TURNER (TX)

H.R. 5291. A bill to win the war on terror; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, International Relations, the Judiciary, Ways and Means, Intelligence (Permanent Select), Energy and Commerce, Government Reform, Science, and Homeland Security (Select)

By Mr MURPHY

H.R. 5295. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; to the Committee on Government Reform. Considered and passed

By Mr MARKEY

H.R. 5296. A bill to amend title 37, United States Code, to ensure that a member of the Armed Forces who is wounded or otherwise injured while serving in a combat zone will continue to receive certain special pays and allowances associated with such service, and will continue to receive the benefit of the combat zone tax exclusion associated with the pay and allowances of the member, while the member recovers from the wound or injury, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means

By Mr GRAVES

H.R. 5300. A bill to establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes; to the Committee on Veterans' Affairs

BILLS INTRODUCED, OCTOBER 8, 2004

SENATE

By Ms CAPITO

H.R. 5304. A bill to establish a memorial for 40 fallen American servicemen who perished in the tragic air crash during World War II at Bakers Creek, Australia on June 14, 1943; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Resources

By Mrs MALONEY (for herself and Mrs TAUSCHER, Ms WATSON, Mr TOWNS):

H.R. 5328. A bill to provide additional funding to prevent sexual assaults in the military; to the Committee on Armed Services

By Mr MEEHAN

H.R. 5332. A bill to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Financial Services

By Mr TERRY

H.R. 5349. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services

By Mr HUNTER

H. Con. Res. 514. A concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 4200; considered & agreed to.

By Ms MYRICK

H. Res. 843. A resolution waiving points of order against the conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; considered and agreed to

COMMITTEE MEETINGS, OCTOBER 8, 2004

HOUSE

PEACEKEEPING IN AFRICA

Committee on International Relations: Subcommittee on Africa held a hearing on Peacekeeping in Africa: Challenges and Opportunities. Testimony was heard from James W. Swigert, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State; and public witnesses

RULE – DOD AUTHORIZATION

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4200, Department of Defense Authorization Act

EXECUTIVE COMMUNICATIONS, OCTOBER 8, 2004

HOUSE

10307. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule -- Defense Federal Acquisition Regulation Supplement; Acquisition Plans -- Corrosion Prevention and Mitigation [DFARS Case 2004-D004] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10309. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule -- Defense Federal Acquisition Regulation Supplement; Berry Amendment Changes [DFARS Case 2003-D099] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10310. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule -- Defense Federal Acquisition Regulation Supplement; Quality Control of Aviation Critical Safety Items and Related Services [DFARS Case 2003-D101] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10312. A letter from the Alternate OSD FRLO, Department of Defense, transmitting the Department's final rule -- TRICARE; Individual Case Management Program; Program for Persons with Disabilities; Extended Benefits for Disabled Family Members of Active Duty Service Members; Custodial Care (RIN: 0720-AA78) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10318. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Stephen G. Wood, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services
10322. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Dennis R. Larsen, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services
10325. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General William M. Fraser III, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.
10328. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Bruce A. Carlson, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EXECUTIVE COMMUNICATIONS, OCTOBER 8, 2004
HOUSE

10334. A letter from the Army Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule -- Publication of Rules Affecting the Public (RIN: 0702-AA40-U) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10335. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule -- Defense Federal Acquisition Regulation Supplement; Consolidation of Contract Requirements [DFARS Case 2003-D109] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services
10538. A letter from the Secretary, Department of Energy, transmitting a draft bill ``To implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes"; jointly to the Committees on Energy and Commerce, Science, Armed Services, and the Judiciary

SENATE, OCTOBER 7, 2004 – CONTINUED

INTELLIGENCE COMMITTEE REORGANIZATION: Senate continued consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. Adopted: (1) Grassley/Baucus Amendment No. 3989 (to Amendment No. 3981), to clarify the provisions relating to the jurisdiction of the Department of Homeland Security (S10621-22); (2) Chambliss/Kennedy Amendment No. 3994 (to Amendment No. 3981), to clarify the jurisdiction of the Committee on Homeland Security and Governmental Affairs (S10625; S10629-30); (3) Durbin Modified Amendment No. 4036 (to Amendment No. 3981), to modify the provisions relating to the staffing and budget of the select Committee (S10654); (4) By 54 yeas to 41 nays (Vote No. 202), Leahy Amendment No. 4037 (to Amendment No. 3981), to retain jurisdiction over the Secret Service in the Committee on the Judiciary (S10655-60); (5) Roberts Amendment No. 4019 (to Amendment No. 3981), to clarify staff provisions (S10660-61); (6) Roberts Modified Amendment No. 4018 (to Amendment No. 3981), to clarify the nominee referral provisions (S10661); (7) Rockefeller Modified Amendment No. 4030 (to Amendment No. 3981), to clarify the jurisdiction of the select Committee on Intelligence (S10661-2); (8) Byrd Amendment No. 3986 (to Amendment No. 3981), to provide that the Subcommittee on Intelligence shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations (S10664); and (9) Shelby/Sarbanes Amendment No. 4038, to retain jurisdiction over the National Flood Insurance Act of 1968, with the Committee on Banking, Housing, and Urban Affairs (S10664). Rejected: (1) By 23 yeas to 74 nays (Vote No. 200), McCain Amendment No. 3999 (to Amendment No. 3981), to strike section 402 and vest intelligence appropriations jurisdiction in the Select Committee on Intelligence (S10632-46); (2) By 33 yeas to 63 nays (Vote No. 201), McCain Amendment No. 4000 (to Amendment No. 3981), to ensure that the Committee has jurisdiction over the Transportation Security Administration (S10647-54); and (3) By 36 yeas to 54 nays (Vote No. 203), Biden/Lugar Amendment No. 4021 (to Amendment No.

SENATE, OCTOBER 7, 2004 – CONTINUED

INTELLIGENCE COMMITTEE REORGANIZATION (cont)

3981), to provide that the Chairman and Ranking Member of the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum (S10665-69). The following amdt was withdrawn: Bayh Amendment No. 3995 (to Amendment No. 3981), to eliminate sequential referral. (S10625-29; S10631-32; S10674) Pending are: (1) McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute (S10620-30; S10631); and (2) Domenici Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources (SS10669). During consideration of this measure today, Senate also took the following action: Senate adopted and then vitiated the adoption of the Domenici Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources. (S10669-70) A unanimous-consent agreement was reached providing that other than conforming and technical managers' amendments, the only remaining first-degree amendments be the following which are filed at the desk: Collins, Nickles, Hutchison, Frist, Bingaman-Domenici, and Rockefeller; provided further, that it be in order to file timely second-degree amendments up until 9:15 a.m. on Friday, October 8, 2004. (S10674) A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:15 a.m., on Friday, October 8, 2004, with a vote on the motion to invoke cloture on Amendment No. 3981 (listed above). (S10758-59) Debate appears at S10620-30; S10631-74. Amdts submitted appear at S10749-58.

Sen Inouye (D-HI) asserted that the intelligence budget should not be considered in a vacuum; believed it needed to be considered in conjunction with the Defense budget. Stated that many programs have both national and military, strategic or tactical, components. "Military personnel provide a large proportion of the intelligence community workforce. The Defense Dept and intelligence community both need to support maintaining this relationship and benefit from doing so." Discussed the roles of the authorizing and appropriating committees. Noted that former DepSecDef John Hamre testified that the Intelligence and Armed Services Cmtes worry too much about input and not enough about output. (S10634-6)

ECONOMY: A unanimous-consent agreement was reached providing for consideration of the conference report to accompany H.R. 4520, American Jobs Creation Act, 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, at 9 a.m., on Friday, October 8, 2004; and providing for the filing of a cloture motion on the conference report. (S10758-59)

NATO: 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 Leahy and Feinstein. (S10758)

SENATE, OCTOBER 7, 2004 – CONTINUED

NOMINATIONS: Senate received numerous nominations including routine lists in the Navy. (S10759-62)

NOMINATIONS: Senate received notification of withdrawal of the several nominations including 1 Air Force nomination in the rank of general as follows: Gen Gregory S. Martin, for reassignment in grade as Commander of Pacific Command. (S10762)

INTELLIGENCE REFORM: Sen Sarbanes (D-MD) said he was pleased that yesterday the Senate adopted his Amdt No. 3760, to provide that the Privacy and Civil Liberties Board include in certain reports, any proposal that the Board advised against, but actions were taken to implement, to S. 2845, intelligence reform. Believed that the amdt, which he authored, along with Sens Bingaman and Harkin, would strengthen the role of Congress in protecting civil liberties as they move forward with the reform of the intelligence structure. (S10677) Sen Leahy (D-VT) observed that this bill granted enormous additional authority and tools to the government to fight terrorism and authorized the creation of a vast information sharing network that will allow officials throughout the US government to search databases containing extensive data about American citizens. Believed this bill was notable because it balanced this grant of power with the creation of a Privacy and Civil Liberties Oversight Board. Thanked Sen Lieberman (D-CT) for including this Board as part of the National Intelligence Reform Act and for working with Sen Durbin and others, as well as himself, to make sure the Board had the necessary authority, mandate and tools to ensure that civil liberties and privacy are safeguarded as out antiterrorism policies and tools are enhanced. Comments by Sen Lieberman and correspondence from Sen Kyl (R-AZ) to the 9/11 Commission appear. (S10678-80)

INTELLIGENCE REFORM: Sen Bayh (D-IN) commended Sen Clinton (D-Y) for her work on the on the section of the McCain-Lieberman-Bayh-Specter amdt to S. 2845, intelligence reform, that addresses education in the Muslim world. Sen Clinton, in turn, expressed her appreciation to her colleagues for stepping forward to ensure that the 9/11 Commission's recommendations on education become a key part of our Nation's anti-terrorism strategy. (S10678)

RESEARCH: Sen Inhofe (R-OK) discussed the mission of the National Severe Storms Lab and noted that it has a research partnership with various private and governmental entities, including the Navy, Air Force, and Army. (S10685-6)

AFRICA: Sen Durbin (D-IL) drew attention to comparisons that have been made between the Sudan today and Rwanda a decade ago. Drew attention to an amdt to the Foreign Operations appropriations bill which provided \$75 million to support an expanded African Union mission in Darfur, Sudan. Stressed that it is vitally important that this provision survive the conference and additional assistance for Sudan relief efforts remain intact. Inserted related material. (S10686-7)

FOREIGN ASSISTANCE: Sen Durbin (D-IL) discussed at length the need to support family planning as part of our international development agenda. (S106878)

SENATE, OCTOBER 7, 2004 – CONTINUED

NUCLEAR: Sen Landrieu (D-LA) expressed support for S. Con. Res. 141, recognizing the essential role that nuclear power plays in our society. Believed that the US Senate must recognize the important role that nuclear energy plays in our Nation's economy, our Nation's energy independence, and security, as well as our Nation's environmental goals. (S10688)

VETERANS: Sen Bob Graham (D-FL) drew attention to the impressive work art therapists do with our Nation's veterans. Stated "Given the number of veterans gradually returning from the current war in Iraq, art therapy has the potential to assist them as a form of rehabilitation." (S10688-9)

BELARUS DEMOCRACY ACT: Sen Campbell (R-CO) welcomed the passage of H.R. 854, Belarus Democracy Act. Stated that as co-chairman of the Helsinki Commission, he was particularly pleased at the timely adoption of this important legislation. (S10689)

TERRORISM: Sen Coleman (R-MN) stated that as chairman of the Western Hemisphere subcommittee, he was encouraged by the opportunities we have to work cooperatively with our regional neighbors on issues we can all benefit from. Hoped the Congress would bear in mind the importance of the Western Hemisphere as it contemplates reforms to better equip us to prevent and fight terrorism. Drew attention to and inserted a study written by a member of the Council on Hemisphere Affairs that discusses the threat of international terrorist groups in the Triborder region of Paraguay, Brazil, and Argentina. (S10691-2)

TRIBUTE: Sen Hollings (D-SC) paid tribute to Capt Robert C. Wilkens, USN, who will retire after 32 years of service. (S10693)

FEDERAL EMPLOYEES/HEALTH: Sen Rockefeller (D-WV) introduced and discussed S. 2935, to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes. Text appears. Section 8, Offering of Federal Group Coverage, stated that the Dir, OPM, jointly with the Sec/Treasury shall establish a program under which eligible individuals are offered enrollment under health benefit plans that are made available under FEHBP (S10736) Discussion appears at S10733-4. Bill text appears at S10735-8.

VETERANS: Sen Daschle (D-SD), for himself and several colleagues, introduced and discussed S. 2938, to grant a Federal charter to the National American Indian Veterans, Inc. Text appears. (S10742-4)

FEDERAL PROPERTY: Sen Bingaman (D-NM) drew attention to and discussed an article that appeared in a recent Washington Post stating that officials at a federal program that runs hospitals and clinics serving Native Americans prohibited employees from using those facilities to sign up new voters allegedly because even nonpartisan voter registration was prohibited on federal property. Asserted "We have a very strong policy that is recognized in the Defense Dept that they encourage military personnel and others who are part of the military family to participate in registering others, either on or off base, to vote. That is as it should be." Believed we need to have the same policy with regard to Indian Health Service facilities and Indian Health Service personnel. (S10631-2)

SENATE, OCTOBER 7, 2004 – CONTINUED

TRIBUTE: Sen Talent (R-MO) recognized William S. Rupp, of St. Peters, MO, who is celebrating his 80th birthday. Noted that he is a member of Rep Akin's (R-MO) Veteran Memorial Commission and veterans of Foreign Wars Post 10838. He served in the Marine Corps in the Pacific Theater during World War II. (S10694)

FOREIGN AID: Sen Lugar (R-IN), for himself and others, introduced and discussed S. 2939, to provide assistance for orphans and other vulnerable children in developing countries. Mainly focused on children in African and Latin American countries, etc, who have lost parents to AIDS. Text appears. (S10744-5)

MILITARY PERSONNEL: Sen Pryor (D-AR) introduced, for himself and numerous colleagues, S. 2942, to amend the Internal Revenue Code of 1986 to provide that combat pay be treated as earned income for purposes of the earned income credit. Lengthy discussion; no text. (S10745-47)

ECONOMY: Sen Harkin (D-IA) asserted that Americans are “telling us loudly and clearly that their No. 1 issue is economic security.” Drew attention to attempts to offer amdts to stop the Bush administration’s new rules to eliminate overtime pay protections for millions of American workers. Noted that while the amdt has passed the Senate on various occasions, it was stripped from the omnibus appropriations conference earlier this year and again this week in the conference on the FSC/ETI bill, despite the clear expression of the will of Congress and the public. (S10670-71)

// INCOMPLETE DIGEST – SEE NEXT ISSUE //

SENATE, OCTOBER 8, 2004

// INCOMPLETE DIGEST – SEE NEXT ISSUE //

HOUSE OF REPRESENTATIVES, OCTOBER 7, 2004 – CONTINUED

COMMITTEE ASSIGNMENTS: Read a letter from Rep Cantor (R-VA) wherein he resigned from the Committee on Government Reform effective immediately. The House than agreed to H. Res. 835, electing Rep Putnam (R-FL) to the Committee on Government Reform. (H8851)

MILCON APPROPRIATIONS / CONFERENCE: The House disagreed to the Senate amendment to H.R. 4837, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and agreed to a conference. Appointed as conferees: Representatives Knollenberg, Walsh, Aderholt, Granger, Goode, Vitter, Kingston, Crenshaw, Young (FL), Edwards, Farr, Boyd, Bishop (GA), Dicks, and Obey. (H8851)

SUDAN: The House agreed to suspend the rules and passed H.R. 5061, the Comprehensive Peace in Sudan Act, to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan, by a $\frac{2}{3}$ yea-and-nay vote of 412 yeas to 3 nays (Roll #508). The House finished their debate 6 October. (H8663-64)

HOUSE OF REPRESENTATIVES, OCTOBER 7, 2004 – CONTINUED

HOMELAND SECURITY APPROPRIATIONS / CONFERENCE: The House disagreed to the Senate amendment to H.R. 4567, making appropriations for the department of Homeland Security for the fiscal year ending September 30, 2005, and agreed to a conference. Agreed to the Sabo motion to instruct conferees on the bill, by a yea-and-nay vote of 395 yeas to 16 nays (Roll #502). Appointed as conferees: Representative Rogers (KY), Young (FL), Wolf, Wamp, Latham, Emerson, Granger, Sweeney, Sherwood, Sabo, Price, Serrano, Roybal-Allard, Berry, Mollohan, and Obey. Rep Sabo (D-MN) said his motion insists on the “highest possible level of funding” for the Office of Domestic Preparedness grant programs. This would provide \$945 million more than in the House bill. Remarked the Senate version was \$400 million less than the House’s. Said the Council on Foreign Relation released a report entitled “First Responders: Drastically Underfunded, Dangerously Unprepared.” Further, said his motion added funding for border and airport security, including the Air Marshall program. Rep Obey (D-WI) stated the motion does us no good if it is accepted for purposes of moving to conference, but then discarded the moment they go to conference. Urged his colleagues to support the motion only if they plan to vote for a bill out of conference that contains the increased funding levels. In addition, criticized the Administration for continually underfunding homeland security. (H8645-49, H8651)

INTELLIGENCE REFORM: The House began consideration of H.R. 10, the 9/11 Recommendations Implementation Act, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination. Further consideration will continue tomorrow, October 8. (H8664-704, H8726-851) Rep Hoekstra (R-MI) said the bill, “very specifically and very wisely, implements the intelligence reform recommendations of the 9/11 Commission and the House/Senate Joint Inquiry Report.” Adding, the bill makes the National Intelligence Director “truly the leader of the entire (intelligence) community.” Said one area they disagreed with the 9/11 Commission was in declassifying the budget. “Why, at a time of war, share any information that our enemies might find useful?” Rep Harman (D-CA) said they are debating the wrong bill. Praised the Senate version (S. 2845) and highlighted provisions in the bill. Argued the House has been playing “catch-up” in providing intelligence reform legislation, as well as making it a highly partisan process. (H8664-66) By a recorded vote of 203 ayes to 213 noes (Roll #510), the House rejected the Menendez substitute amendment that sought to merge two Senate bills endorsed by the 9/11 Commission. (H8792-843, H8850) Rep Menendez (D-NJ) said the 9/11 Commission made 41 recommendations to strengthen our country against another terrorist attack. Explained the House bill completely implements only 11 of the 41 recommendations and 15 others are done so incompletely. Also, there are 50 “extraneous provisions” that are included that go well beyond the Commission’s recommendations. Said his amendment creates a National Counterterrorism Center, headed by a Presidential appointee; strengthens nonproliferation programs; requires a vulnerability assessment of our infrastructure that includes security plans; and provides funding in strengthen security in Afghanistan. Rep Hyde (R-IL) rose in opposition to the amdt. Said the amdt a “mere restatement of the Commission’s recommendations” that ignores the input from the many committee hearings. Argued just throwing money at the problem solves nothing. Said the authors of H.R. 10 “crafted practical solutions to fulfill the recommendations.” (H8833-34)

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INTELLIGENCE REFORM (cont)

Rep Jackson-Lee (D-TX) spoke in support of the Menendez amdt. Argued against some of the extraneous provisions in the bill itself. These include giving the President “fast-track” authority to reorganize intelligence agencies and giving the President authority to bypass Senate confirmation of the CIA director. Also, expressed concern with provisions that weaken civil liberty protections, which include allowing the Justice Dept to broaden secret surveillance actions and relaxing grand jury secrecy requirements. (H8845-47)

By voice vote the House agreed to the Simmons amendment that seeks to express the sense of Congress that the new National Intelligence Director should establish an Open Source Intelligence Center. Rep Simmons (R-CT) explained open source intelligence is intel that is derived from newspapers, the Internet, television and radio, phonebooks, etc. Said open sources have “always been the bedrock source of information for intelligence.” (H8843-48). The House also agreed to the Souder amendment that directs the Secretary of Homeland Security to ensure that all appropriate personnel engaged in security screening of individuals have access to law enforcement and intelligence information maintained by DHS by a recorded vote of 410 ayes with none voting “no” (Roll #511). Rep Souder (R-IN) said his amdt is needed to ensure the DNS can effectively coordinate the variety of intelligence coming in. Rep Turner (D-TX) said the Homeland Security Act already requires the Department to do everything listed in the amdt. Said the amdt raises a number of serious oversight issues and is “nothing short of an admission of failure of the Department.” (H8848-51)

AMERICAN JOBS CREATION ACT / CONFERENCE REPORT: The House agreed to the conference report 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, by a ye-a-and-nay vote of 280 yeas to 141 nays (Roll #509). Cleared for the Senate. The conference report appears on pages H8411-640. Rep Reynolds (R-NY) said now is the time to take advantage of the President’s growing economy and enact policies that protect our jobs and continue to spur economic growth. Said EU sanctions on American goods are hurting our manufacturers and farmers. Stressed by repealing the FSC-ETI it would provide more than \$8 billion of transition relief over three years. Rep McGovern (D-MA) called the conference report a “legislative grab bag filled with goodies for special interests.” Said the export subsidy pushed by the Republicans was ruled as illegal by the World Trade Organization. This resulted in US exporters paying a needless tariff. Pointed out the EU is saying this legislation would not eliminate those tariffs. (H8705-26)

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MILCON APPROPRIATIONS / CONFERENCE REPORT: The House agreed to H. Res. 832, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, was agreed to by voice vote. (H9007-08)

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FY05 DOD AUTHORIZATION / CONFERENCE REPORT: The House began consideration of the conference report to accompany H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces. Further proceedings will continue on Saturday, October 9. Rep Hunter (R-CA) discussed some of the provisions in the conference report. Said the report provides a 3.5% pay raise across the board and extends TRICARE benefits to the Guard and Reserves. For veterans there is an increase in the concurrent receipt benefits. Also, said the report provided \$700million for armor on Humvees and another \$100 million for armor on trucks. Rep Skelton (D-MO) expressed concerns with two items that came out of conference. One was the inability to delay the next round of base closings and the other was the outcome in the Columbia troop cap. Said our troops are stretched too thin as it stands. Other provision he supported were eliminating the privatized housing cap for military families and the additional benefits to survivors of those who have served. Strongly supported the provisions that required the Administration to explain its policies in Iraq. Rep Hoyer (D-MD) rose in support. Said he was happy the report contains the provision to reauthorize assistance to our firefighters. Rep Spratt (D-SC) expressed concern about the provision that releases ferromanganese from the strategic stockpile. Said this material is critical to steel production in the US. Also, said the bill increases troops levels in the Army and Marines by 30,000 and 9,000 respectively. Remarked the bill provides \$25 billion for Iraq, but expected another request of \$50 billion by early next year. Argued the bill continues to underfund Cooperative Threat Reduction (CTR) programs while spending \$10 billion on missile defense, an unproven system for a “non’existent threat.” Rep Snyder (D-AR) rose in support of the conference report. Supported TRICARE benefits for the Reserves and Guard. Rep Saxton (R-NJ) said there is language in the bill to encourage the Air Force to purchase an additional 57 C-17s, bringing the total to 222. Rep Loretta Sanchez (D-CA) was pleased the report included many of the sexual harassment provisions she worked on. Expressed disappointment that they could not have closed the pay gap between the Guard/Reserves and regular active duty. Said the Guard and Reserves make up over 43% of our forces in Iraq. Also, disagreed with the provision that allowed for development of the nuclear earth penetrator. “We are sending a very mixed message here.” Rep Everett (R-AL) was concerned that funding for Space-Based Radar and Transformational Communications Satellites has been cut to “anemic levels.” Rep Dicks (D-WA) engaged the chairman (Rep Hunter (R-CA)) in a colloquy on the procurement of tankers. Asked if the procurement in the bill is for 100 tankers. Rep Hunter answered that was correct. “There is \$100 million that authorizes SECDEF to procure 100 tankers on a multiyear basis.” Rep Dicks asked is support work would be recompeated. Rep Hunter said since this is not a lease, support work would be open to bids. Also, said the Senate had provisions in their bill that put up large barriers to early production. The report took out language that would require outside competitors, which could include foreign companies, e.g., Airbus. Rep Dicks said he supported not going back to another procurement since that would delay getting the tankers even longer. Supported having an Amercian company build the tankers. Rep Saxton (R-NJ) said the Air Mobility Command was forced to take out of service 30 KC-135 tankers. Rep Dicks closed by saying he strongly support the bill. Said the report would get the tanker procurement program started in FY05 and ensures a cost savings for American taxpayers.

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FY05 DOD AUTHORIZATION / CONFERENCE REPORT (CONT)

Rep Bartlett (R-MD) said the bill supports modernization of the B-2 bomber and the Joint Strike Fighter. Urged support of the bill. Rep Gingrey (R-CA) said the funding for 24 F/A-22 planes would go a long way towards continuing America's air dominance for the foreseeable future. Rep Butterfield (D-NC) expressed his concern about the Navy's Outlying Landing Field proposed for Washington and Beaufort counties. Said the proposed OLF would displace 74 property owners and take 30,000 acres off the local property tax rolls. Said even though he opposes this provision he would still vote for the bill. Rep Ortiz (D-TX) expressed his disappointment that the House members in conference "caved in to the Senate language on BRAC." Said the House made a significant statement when they delayed the BRAC for 2 years. Asked where will be put our troops if we move troops out of S. Korea and Europe? Said GAO cost savings estimates did not include the cost of cleaning up the bases. (H8995-H9007)

INTELLIGENCE REFORM: The House passed H.R. 10, the 9/11 Recommendations Implementation Act, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, by a recorded vote of 282 ayes to 134 noes (Roll #523). The House agreed to 14 amendments (including an en bloc amdt) and rejected 2 amendments. (H8863-H8978)

Agreed to: Bonilla amendment (No. 6) that directs the Secretary of Homeland Security to increase Detention and Removal Operations bed space for FY06 and FY07 by 2,500 beds each year (H8869-71); Capito amendment (No. 7) that revises, enhances, and consolidates two Federal criminal law statutes into one comprehensive statute in order to deter, and more effectively punish terrorist acts against railroad carriers and mass transportation providers (H8871-73); En bloc amendment consisting of amendments numbered 9, 16, 18, 20, and 22 printed in H. Rept. 108-751 (H8875-80); Foley amendment (No. 10) that amends the Immigration and Nationality Act to provide for the inadmissibility and removability of aliens who have committed, ordered, assisted, incited, or otherwise participated in acts of torture or extrajudicial killings abroad (H8880-82); Hostettler amendment (No. 13) that modifies certain sections of the bill; (H8886-90); Kirk amendment (No. 4) requires the President to submit a report to the congressional intelligence committees detailing how the Drug Enforcement Administration can be integrated into the intelligence community (by a recorded vote of 414 ayes with none voting "no", Roll No. 512) (H8863-64, H8890-91); Sessions amendment (No. 5) that establishes a "zero tolerance" policy towards unlawful importation, possession, or transfer of shoulder fired guided missiles, atomic weapons, dirty bombs, and variola virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties (by a recorded vote of 385 ayes to 30 noes, Roll No. 513) (H8865-69, H8891); Carter amendment (No. 8) that amends the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in the death of a person (by a recorded vote of 344 yeas to 72 nays, Roll No. 514) (H8874-75, H8891-92); Goodlatte amendment (No. 11) that creates a rebuttable presumption that no amount of bail or other conditions would assure the appearance in court of a defendant when he is charged with a terrorist offense and there is probable cause that the defendant committed certain terrorist attacks (by a

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INTELLIGENCE REFORM (cont)

recorded vote of 333 ayes to 84 noes, Roll No. 515) (H8882-84, H8892-93); Green amendment (No. 12) that strengthens immigration law in regard to the inadmissibility and deportability of alien terrorists and their supporters (by a recorded vote of 283 ayes to 132 noes, Roll No. 516) (H8884-86, H8893-94); Bartlett amendment (No. 21) that directs the Director of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region (H8903-04); Porter amendment (No. 23) that promotes the Special Assistant to the Secretary for the Private Sector to an Undersecretary of Homeland Security for the Private Sector and Tourism (H8904-07); Ose amendment (No. 17) that expedites construction of two gaps in the 14 mile long barrier at the San Diego border (by a recorded vote of 256 ayes to 160 noes, Roll No. 519) (H8898-H8901, H8908-09); and Weldon of Pennsylvania amendment (No. 19) that requires the Secretary of Homeland Security to establish a program that identifies and catalogs existing mutual agreements (by a recorded vote of 415 ayes with none voting "no", Roll No. 520). (H8901-03, H8909)

Rejected: Smith of New Jersey amendment (No. 14) that strikes a section of the bill that requires expedited removal of aliens that have been present for less than five years without a hearing or future review (agreed to by a recorded vote of 212 ayes to 203 noes, Roll No. 517) (a separate vote was demanded on the amendment and it failed by a recorded vote of 203 ayes to 210 noes, Roll No. 521) (H8894-96, H8907-08, H8915-16); and Smith of New Jersey amendment (No. 15) that strikes a section of the bill that diminishes asylum rights and refugee protections (by a recorded vote of 197 ayes to 219 noes, Roll No. 518). (H8896-98, H8907-08)

TRIBUTE: The House passed S. 1368, to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement--clearing the measure for the President. (H9024-25)

VETERANS: The House agreed to the Senate amendment to H.R. 4175, Veterans' Compensation Cost-of-Living Adjustment Act of 2004, 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--clearing the measure for the President. (H9027)

// INCOMPLETE DIGEST – SEE NEXT ISSUE //
