

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in our excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(f) OMB NOMINEES.—the Committee on the Budget and the Governmental Affairs Committee shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

**SA 4042.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4015 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Strike “not later than 2 weeks” and insert “as soon as possible”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 7, 2004, at a time to be determined, for the purposes of conducting a vote on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, October 7, 2004, at 9:30 a.m., on the Effect of Federal Bankruptcy and Pension Policy on the Financial Situation of the Airlines.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 7, 2004 in Dirksen Senate Office Room 226.

#### Agenda:

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit and Robert Cramer Balfe to be U.S. Attorney for the Western District of Arkansas.

II. Legislation: S. 2396, Federal Courts Improvement Act of 2004,

Hatch, Leahy, Chambliss, Durbin, Schumer; S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley; S. 2560, A bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes Act 2004, Hatch, Leahy, Graham; S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss; S. 2373, A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names Act of 2004, Domenici, Graham, Sessions; S. 2863, A bill to reauthorize the Department of Justice Act of 2004, Hatch, Leahy, DeWine, Schumer; H.R. 2391, To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises Act of 2003, Smith—TX; S. 2760, A bill to limit and expedite Federal collateral review of convictions for killing a public safety officer Act of 2004, Kyl, Hatch, Craig, Cornyn, Sessions, Chambliss; S. 1297, A bill to amend title 28, United State Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag Act of 2003, Hatch, Talent, Kyl; S. 2302, A bill to improve access to physicians in medically underserved areas Act of 2004, Conrad, Feingold, Kennedy, Schumer, DeWine, Kohl; S. 989, A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes Act of 2003, Enzi, Reid; S. 1728, Terrorism Victim Compensation Equity Act of 2003, Specter, Leahy, Schumer; S. 1740, Anthrax Victims Fund Fairness Act of 2003, Leahy, Feingold; S. 549, A bill to amend the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42) to provide compensation for victims killed in the bombing of the World Trade Center in 1993, and for other purposes Act of 2003, Schumer; and S. 2268, Private Bill; A bill for the relief of Griselda Lopez Negrete, Graham—SC.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Wade Glover, a member of my Finance Committee staff, be granted the privileges of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Kovac, a detailee from the Department of Justice, and Nicholas Rossi, a detailee from the Federal Bureau of Investigation, be granted the privilege of the floor for the remainder of the 108th session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—S. 2938

Mr. MCCONNELL. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

Mr. MCCONNELL. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senator PATRICK LEAHY of Vermont and Senator DIANE FEINSTEIN of California.

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, appoints the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: The Honorable Steven H. Jones of Tennessee, Mr. Bill Gibbons of Tennessee and, Mr. Larry K. Brendtro of South Dakota.

#### ORDERS FOR FRIDAY, OCTOBER 8, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. tomorrow, Friday, October 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved; provided further, that the Senate then immediately proceed to the consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill, provided it is available. I further ask unanimous consent that the majority leader then be recognized in order to file a cloture motion on the conference report. I further ask unanimous

consent that following the filing of that cloture motion, the Senate proceed to a cloture vote on the pending substitute amendment to S. Res. 445.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. McCONNELL. Mr. President, tomorrow morning, the Senate will begin consideration of the FSC/ETI JOBS conference report. We will be unable to reach a limited time for debate; therefore, cloture will be filed on the conference report. At approximately 9:15 a.m., the Senate will begin the first cloture vote on the pending substitute amendment to the intelligence resolution. It is my expectation that cloture will be invoked, and we should be able to adopt the substitute shortly thereafter and then proceed to the cloture vote on the underlying resolution.

I also encourage Senators who wish to offer the amendments that are listed on the amendment list approved earlier tonight to come forward and offer those amendments. We hope to dispose of those tomorrow. Following the disposition of the resolution, the Senate will resume consideration of the FSC/ETI JOBS conference report.

Again, we have been unable to lock in a time certain for a vote on the conference report, and it appears cloture will be necessary. We will continue to work with all Members to move forward on our remaining work. As I mentioned earlier, we will finish both the Senate intelligence reform resolution and the FSC conference report prior to adjourning, as well as the Homeland Security appropriations conference report and/or Defense conference report as they are available.

Mr. REID. Will the Senator yield to me for a brief minute?

Mr. McCONNELL. Mr. President, I ask unanimous consent to waive the live quorum vote prior to cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, this second part of the 9/11 Commission recommendations is winding down. I know there has been a lot of hurt feelings today: You took too much from my committee; you are not giving enough to my committee.

People are very protective of what they have around here and what they fear they might lose. I have been chairman of the Environment and Public Works Committee on two separate occasions, and transferred from the Environment and Public Works Committee today was a very important aspect of the Public Works Committee, FEMA, the Federal Emergency Management Administration.

I only indicate that because when the dust settles, we will find that we have created a much more powerful Intelligence Committee, a much more powerful intelligence apparatus, and we will find that the homeland security

committee, which we have created, merged with the Governmental Affairs Committee, is going to be one of the most powerful committees in the Congress of the United States.

As I said, there are a lot of hurt feelings. This has been very difficult for Senator McCONNELL and I. We did not run for this assignment to manage this bill, but this is part of the responsibilities we have, and we have done the very best we can.

I hope tomorrow people will sit back and rather than lamenting what they did not get or what they felt they should get, they will understand what we are doing. This is part of the recommendations of the 9/11 Commission. Always remember this is legislation, it is not perfection. Legislation is the art of compromise, and I believe that includes consensus building, which we have done.

I want to again, through the Chair, extend my appreciation to the distinguished Senator from Kentucky. This has been extremely difficult for him and for me, but this is part of our responsibilities. I want to express my admiration and appreciation for his cooperation in allowing us to move forward on this legislation.

Mr. McCONNELL. Mr. President, I thank my friend from Nevada for his kind comments. I will have a good deal more to say about him tomorrow as well because this has been a challenging undertaking. I do think we have made substantial progress, if not having achieved everything we hoped, but I think we have come a long way in the right direction.

### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator PRYOR.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2941 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

### ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Friday, October 8 at 9 a.m.

There being no objection, the Senate, at 11:29 p.m., adjourned until Friday, October 8, 2004, at 9 a.m.

### NOMINATIONS

Executive nominations received by the Senate October 7, 2004:

#### COMMODITY FUTURES TRADING COMMISSION

FEDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008, VICE THOMAS J. ERICKSON, TERM EXPIRED.

#### DEPARTMENT OF THE TREASURY

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE JEFFREY RUSH, JR., RESIGNED.

#### EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006, VICE JOSEPH FRANCIS GLENNON, TERM EXPIRED.

#### GENERAL SERVICES ADMINISTRATION

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE DANIEL R. LEVINSON.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE J. RUSSELL GEORGE.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

RALPH L. BOYCE JR., OF VIRGINIA  
MAURA A. HARTY, OF MARYLAND  
RICHARD H. JONES, OF VIRGINIA  
NANCY J. POWELL, OF IOWA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

BERNARD ALTER, OF COLORADO  
PERRY EDWIN BALL, OF VIRGINIA  
MARSHA E. BARNES, OF FLORIDA  
JOHN ROSS BEYRLE, OF THE DISTRICT OF COLUMBIA  
ROBERT O. BLAKE JR., OF THE DISTRICT OF COLUMBIA  
TERRY ALAN BRESEE, OF CALIFORNIA  
JEFFERSON T. BROWN, OF NEW JERSEY  
DONALD CAMP, OF VIRGINIA  
DOUGLAS A. DAVIDSON, OF VIRGINIA  
MILTON K. DRUCKER, OF VIRGINIA  
JAMES BRENDAN FOLEY, OF NEW YORK  
BURLEY F. FUSELLER JR., OF VIRGINIA  
RICHARD F. GONZALEZ, OF CALIFORNIA  
GORDON GRAY III, OF VIRGINIA  
DEBORAH E. GRAZE, OF VIRGINIA  
SUNETA LYN HALLIBURTON, OF NEW YORK  
ROSEMARY ELLEN HANSEN, OF VIRGINIA  
LAWRENCE N. HILL, OF CALIFORNIA  
KATHLEEN V. HODAL, OF WASHINGTON  
JEANINE ELIZABETH JACKSON, OF WYOMING  
ANDREW C. KOSS, OF VIRGINIA  
GEORGE ALBERT KROL, OF NEW JERSEY  
DUNCAN H. MACINNES, OF VIRGINIA  
GAIL DENNISE MATHIEU, OF NEW JERSEY  
JAMES D. NEALON JR., OF NEW HAMPSHIRE  
ANDREA J. NELSON, OF NEW YORK  
KAREN L. PEREZ, OF MARYLAND  
GARY E. PERGL, OF CALIFORNIA  
JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA  
EUNICE S. REDDICK, OF NEW YORK  
JOHN G. RENDEIRO JR., OF PENNSYLVANIA  
NICHOLAS J. RIESLAND, OF WASHINGTON  
JAMES E. ROBERTSON, OF MARYLAND  
JOSIAH B. ROSENBLATT, OF NEW YORK  
PAUL J. SAXTON, OF VIRGINIA  
STEPHEN A. SECHE, OF NEW HAMPSHIRE  
PAMELA JO H. SLUTZ, OF TEXAS  
RICHARD HENRY SMYTH, OF VIRGINIA  
GREGORY BOWNE STARR, OF VIRGINIA  
DAVID C. STEWART, OF TEXAS  
MARK TAPLIN, OF CALIFORNIA  
HARRY KEELS THOMAS JR., OF NEW YORK  
J. PATRICK TRUHN, OF THE DISTRICT OF COLUMBIA  
CAROL LEE VAN VOORST, OF VIRGINIA  
PHILIP R. WALL, OF WASHINGTON  
JACOB WALLS, OF THE DISTRICT OF COLUMBIA  
DON QUINTIN WASHINGTON, OF CALIFORNIA  
DONALD EUGENE WELLS, OF TEXAS  
CHARLES D. WISECARVER JR., OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GINA ABERCROMBIE-WINSTANLEY, OF OHIO  
BARBARA S. AYCOCK, OF OREGON  
CHARLES V. BARCLAY JR., OF CALIFORNIA  
ROBERT C. BRYSON, OF SOUTH DAKOTA  
THOMAS R. CARMICHAEL, OF FLORIDA  
PHILLIP CARTER III, OF VIRGINIA  
LEIGH G. CARTER, OF FLORIDA  
PETER CLAUSSEN, OF SOUTH DAKOTA  
MAURA CONNELLY, OF NEW JERSEY  
MICHAEL HUGH CORBIN, OF CALIFORNIA  
ELIZABETH A. CORWIN, OF FLORIDA