

# Daily Digest

## HIGHLIGHTS

Senate agreed to S. Con. Res. 70, Budget Resolution.

Senate agreed to H. Con. Res. 316, Adjournment Resolution.

## Senate

### Chamber Action

*Routine Proceedings, pages S2033–S2197*

**Measures Introduced:** Thirty-three bills and eleven resolutions were introduced, as follows: S. 2754–2786, S.J. Res. 30, S. Res. 481–489, and S. Con. Res. 71. **Pages S2132–34**

#### Measures Reported:

S. 694, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, with an amendment in the nature of a substitute. (S. Rept. No. 110–275)

S. 1580, to reauthorize the Coral Reef Conservation Act of 2000, with amendments. (S. Rept. No. 110–276)

S. 352, to provide for media coverage of Federal court proceedings, with amendments. **Page S2130**

#### Measures Passed:

**Budget Resolution:** By 51 yeas to 44 nays (Vote No. 85), Senate agreed to S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, after taking action on the following amendments proposed there to:

**Pages S2036–67, S2069–S2119**

#### Adopted:

By 99 yeas to 1 nay (Vote No. 42), Baucus Amendment No. 4160, to provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans. **Pages S2036, S2040–41**

Bingaman Amendment No. 4173, to provide additional funding resources in fiscal year 2009 for in-

vestments in innovation and education in order to improve the competitiveness of the United States.

**Pages S2037 S2042**

By 53 yeas to 46 nays (Vote No. 44), Conrad Amendment No. 4190, to add a deficit-neutral reserve fund for repealing the 1993 rate increase for the alternative minimum tax for individuals.

**Pages S2037, S2042**

By 51 yeas to 50 nays, Vice President voting yea (Vote No. 47), Senate agreed to the motion to reconsider Gregg (for Specter/Craig) Amendment No. 4189 (listed above).

**Pages S2037, S2043**

By 53 yeas to 46 nays (Vote No. 51), Conrad Amendment No. 4204, to add a deficit-neutral reserve fund for repealing the 1993 increase in the income tax on Social Security benefits.

**Pages S2037, S2045–46**

By 95 yeas to 4 nays (Vote No. 53), Gregg (for Specter) Amendment No. 4203, to increase funding for the National Institutes of Health and the Low Income Home Energy Assistance Program.

**Pages S2037, S2046–47**

By 69 yeas to 30 nays (Vote No. 54), Dorgan Amendment No. 4198, to increase the Indian Health Service by \$1,000,000,000 in fiscal year 2009.

**Pages S2037, S2047**

By 56 yeas to 43 nays (Vote No. 55), Nelson (FL) Amendment No. 4329, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

**Pages S2047–48**

Kennedy Amendment No. 4151, to add a deficit-neutral reserve fund for increasing federal student loan limits to protect students against disruptions in the private credit markets.

**Pages S2037, S2049**

Murray (for Lincoln) Amendment No. 4194, to provide the Veterans Benefits Administration with additional resources to more effectively meet their increasing workload and to better address the unacceptably large claims backlog. **Pages S2037, S2049–50**

Sununu Amendment No. 4221, to save lives, promote overall health care efficiency, and lower the cost for the delivery of health care services by facilitating the deployment and use of electronic prescribing technologies by physicians.

**Pages S2037, S2050**

Kerry Amendment No. 4332, to promote the modernization of the health care system through the adoption of electronic prescribing technology.

**Page S2050**

By 95 yeas to 2 nays (Vote No. 57), Kennedy Amendment No. 4350, to increase funding for the Department of Education's English Literacy-Civics Education State Grant program, with an offset.

**Pages S2050-51**

By 54 yeas to 44 nays (Vote No. 58), Alexander Amendment No. 4222, to take \$670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead use the money to teach English to adults through the Department of Education's English Literacy/Civics Education State Grant program.

**Pages S2037, S2051**

By 53 yeas to 45 nays (Vote No. 59), Menendez Amendment No. 4259, to establish a reserve fund for immigration reform and enforcement.

**Pages S2037, S2052**

By 61 yeas to 37 nays (Vote No. 60), Sessions Amendment No. 4231, to establish a deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.

**Pages S2037, S2052-53**

Conrad (for Pryor) Amendment No. 4181, to add a deficit-neutral reserve fund for Science Parks.

**Pages S2037, S2054**

Nelson Modified Amendment No. 4212, to create additional jobs and make a lasting investment in our national infrastructure by increasing fiscal year 2008 infrastructure stimulus funding by designating \$3.5 billion in existing stimulus funding in the resolution as discretionary funding.

**Pages S2054-55**

Reed Modified Amendment No. 4154, to reduce the energy burden of low-income families, seniors, and individuals with disabilities by increasing funding for the Low-Income Home Energy Assistance Program (LIHEAP) by \$1.6 billion in fiscal year 2009

**Page S2057**

Biden Modified Amendment No. 4164, to increase 2009 funding for the COPS program to \$1.15 billion, with an offset.

**Pages S2058**

Dole Amendment No. 4208, to increase amounts budgeted for States and local governments for expenses related to immigration enforcement training and support under section 287 (g) of the Immigration and Nationality Act, with an offset.

**Pages S2058-59**

Dodd Amendment No. 4254, to increase funding for the National Institutes of Health, the Centers for Disease Control and Prevention and the Health Resources and Services Administration for autism research, education, and early detection with an offset.

**Page S2059**

Brown/Stabenow Amendment No. 4155, to improve the training of manufacturing workers.

**Page S2060**

By 49 yeas to 48 nays (Vote No. 67), Brownback Amendment No. 4284, to provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies.

**Pages S2060-61**

By 89 yeas to 7 nays (Vote No. 68), Kohl Amendment No. 4197, to establish a deficit-neutral reserve fund for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

**Pages S2061-62**

Reid Amendment No. 4373, to establish a reserve fund for studying the effect of cooperation with local law enforcement.

**Page S2063**

Conrad (for Enzi) Amendment No. 4214, to establish a deficit-neutral reserve fund to terminate certain deductions from mineral revenue payments made to States.

**Page S2064**

Conrad (for Roberts) Amendment No. 4244, to ensure the viability of small businesses by helping them provide to their employees access to quality child care.

**Page S2064**

Conrad (for Martinez) Amendment No. 4229, to provide a deficit-neutral reserve fund to provide for State disclosure, through a publicly accessible Internet site, of information relating to payments made under the State Medicaid program to hospitals, nursing facilities, outpatient surgery centers, intermediate care facilities for the mentally retarded, institutions for mental disease, or other institutional providers and the number of patients treated by such providers.

**Pages S2064, S2064-65**

Conrad (for Thune) Amendment No. 4269, to provide for a total of \$99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act.

**Pages S2064, S2065**

Conrad (for Hatch) Amendment No. 4297, to provide for a reserve fund for legislation that funds the traumatic brain injury program.

**Pages S2064, S2065**

Conrad (for Coleman) Amendment No. 4264, to deny funding for the United Nations Durban II Anti-Racism Conference, which has been used as a platform to advance anti-Semitism and for this reason opposed by the United States and 45 other members of the United Nations General Assembly during a vote on December 22, 2007 and direct the savings to veterans.

**Pages S2064, S2065**

Conrad (for Dole) Amendment No. 4349, to provide the Secretary of Agricultural with the necessary funding to effectively address the critical community facility infrastructure needs of our rural areas across the United States. **Pages S2064, S2065**

Conrad (for Barrasso) Amendment No. 4248, to provide for a deficit-neutral reserve fund that preserves and promotes Medicare payment polices that support rural health care providers. **Pages S2064, S2065**

Conrad (for Grassley/McCaskill) Amendment No. 4261, to reduce waste in Department of Defense contracting. **Pages S2064, S2065**

Conrad (for Vitter) Amendment No. 4243, to fully fund authorized amounts to implement the Adam Walsh Act that will increase enforcement to catch and detain child predators, combat child pornography, and make the Internet safer for our children. **Pages S2064, S2065**

Conrad (for Burr) Amendment No. 4153, to develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner. **Pages S2064, S2065**

Conrad (for Enzi/Barrasso) Amendment No. 4215, to establish a deficit-neutral reserve fund to improve the animal health and disease program. **Pages S2064, S2065**

Conrad (for Klobuchar) Amendment No. 4287, to establish a deficit-neutral reserve fund for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve. **Pages S2064, S2066**

Conrad (for Kennedy) Amendment No. 4148, to increase by \$71 million the resources available to the Food and Drug Administration in fiscal year 2009 for food and drug safety. **Pages S2064, S2066**

Conrad (for Biden) Amendment No. 4166, to increase fiscal year 2009 funding for Violence Against Women Act (VAWA) by \$100 million, with an offset. **Pages S2064, S2066**

Conrad (for Feinstein) Amendment No. 4225, to provide for a total of \$950,000,000 in outlays for the State Criminal Alien Assistance Program in fiscal year 2009. **Pages S2064, S2066**

Conrad (for Dodd) Amendment No. 4253, to increase spending for the Maternal and Child Health Block Grant by \$184,000,000 in fiscal year 2009, with offset. **Pages S2064, S2066**

Conrad (for Klobuchar) Amendment No. 4286, to provide in the deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill for access of rural veterans to health care and other services. **Pages S2064, S2066**

Conrad (for Pryor/Kennedy) Amendment No. 4183, to add a deficit-neutral reserve fund to improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce. **Pages S2064, S2066**

Conrad (for Lautenberg/Kerry) Amendment No. 4210, to include rail (including high-speed passenger rail), airport, and seaport projects in the eligibility requirements of the Deficit Neutral Reserve Fund for Investments in America's Infrastructure. **Pages S2064, S2066**

Conrad (for Dorgan) Amendment No. 4199, to provide for the use of the deficit-neutral reserve fund for tax relief to reinstate and expand the charitable IRA rollover. **Pages S2064, S2066**

Conrad (for Dorgan) Amendment No. 4249, to increase the number of organ donations by funding the programs authorized by the Organ Donation and Recovery Improvement Act of 2004. **Pages S2064, S2066**

Conrad (for Nelson (FL)) Amendment No. 4285, to make funds available to ensure that Survivor Benefit Plan annuities are not reduced by the amount of veterans' dependency and indemnity compensation received by military families. **Pages S2064, S2066**

Conrad (for Reid) Amendment No. 4162, to establish a deficit-neutral reserve fund to provide for the acceleration of the phased-in eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation. **Pages S2064, S2067**

Conrad (for Lieberman/Collins) Amendment No. 4211, to increase funding for operations and management of the Federal Emergency Management Agency, with an offset. **Pages S2064, S2066-67**

Conrad (for Carper/Coburn) Amendment No. 4176, to provide for a deficit-neutral reserve fund for the increased use of recovery audits.

**Pages S2064, S2067**

Conrad (for Casey) Amendment No. 4172, to include in the deficit-neutral reserve funds for America's veterans and wounded servicemembers and for a post 9/11 GI bill provision for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to were such members not retired or separated.

**Pages S2064, S2067**

Conrad (for Stabenow/Voinovich) Amendment No. 4219, to provide for the use of the deficit-neutral reserve fund for tax relief to encourage struggling companies to invest in new equipment and stimulate the United States economy by allowing the use of accumulated alternative minimum tax and research and development credits in lieu of bonus depreciation.

**Pages S2064, S2067**

Conrad (for Clinton/Warner) Amendment No. 4227, to increase funding for the Administration on Aging by the authorized level of \$53,000,000 in fiscal year 2009 for the Lifespan Respite Care Act, which provides much-needed respite care to our Nation's dedicated family caregivers for the elderly and disabled.

**Pages S2064, S2067**

Conrad (for Casey) Amendment No. 4352, to add a deficit-neutral reserve fund for the protection and safety of the Nation's food supply.

**Pages S2064, S2067**

Conrad (for Smith/Clinton) Amendment No. 4364, to provide a deficit-neutral reserve fund to provide for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.

**Pages S2064, S2069**

Conrad (for Lincoln/Snowe) Amendment No. 4195, to provide for a deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit to \$10,000 for taxable years 2009 and 2010 with no inflation adjustment to ensure that low-income working families receive the benefit of such credit.

**Pages S2064, S2069**

By 90 yeas to 5 nays (Vote No. 70), Boxer Modified Amendment No. 4368, to increase funding for the Department of Justice for the vigorous enforcement of laws protecting children.

**Pages S2069–70**

Conrad (for Brown) Amendment No. 4252, to increase Federal assistance to food banks.

**Page S2078**

Conrad (for Chambliss) Amendment No. 4230, to increase fiscal year 2009 funding for the Byrne/Justice Assistance Grant program to \$906,000,000, with an offset.

**Page S2078**

Conrad (for Obama) Amendment No. 4330, to provide an additional \$5 million to the military department's respective Boards for Correction of Military Records to expedite review of cases in which servicemembers with combat-related psychological injuries (such as PTSD) or closed head injuries (such as TBIs) were administered discharges for personality disorders or other discharges resulting in a loss of benefits or care and seek a correction of records or upgraded discharge.

**Page S2078**

Conrad (for Thune) Modified Amendment No. 4268, to provide \$20,000,000 in fiscal year 2009 to improve safety by increasing funds for tribal justice and law enforcement, with an offset.

**Page S2078**

Conrad (for Bunning/Enzi) Amendment No. 4186, to provide a point of order against any budget resolution that fails to achieve an on-budget balance within 5 years.

**Pages S2078, S2078–79**

Conrad (for Alexander) Amendment No. 4311, to improve education in the United States by providing \$300,000,000 for the Teacher Incentive Fund to support State and local school district efforts to reward outstanding teaching and school leadership by improving compensation programs for teachers who have a demonstrated record of improving student academic achievement, teachers who teach in high need subjects such as mathematics and science, and teachers who teach in high need, low income schools.

**Pages S2078, S2079**

Conrad (for Gregg) Amendment No. 4357, to create a point of order against using reconciliation to create new mandatory programs and to place a 20% limit on new direct spending in reconciliation legislation.

**Pages S2078, S2079**

Conrad (for Clinton) Amendment No. 4361, to increase funding for the Department of Agriculture by \$1,000,000 in fiscal year 2009 to provide public access to information about the sources of foods distributed through the school lunch program and other nutrition programs under the jurisdiction of the Secretary of Agriculture.

**Pages S2078, S2079**

Conrad (for Bingaman) Amendment No. 4370, to provide for a deficit-neutral reserve fund to make improvements to ensure access to the Medicare program for low-income senior citizens and other low-income Medicare beneficiaries.

**Pages S2078, S2079**

Conrad (for Dorgan) Amendment No. 4200, to provide for the use of the deficit-neutral reserve fund to invest in clean energy and preserve the environment for the 5-year extension of energy tax incentives.

**Pages S2078, S2079**

Conrad (for Smith/Lincoln) Amendment No. 4334, to increase the funding levels for programs carried out under the Older Americans Act of 1965

by \$184,000,000 to keep pace with inflation and increasing numbers of older Americans, and comply with minimum wage requirements for the programs.

**Pages S2078, S2079**

Conrad (for Snowe) Modified Amendment No. 4376, to provide the use of the deficit-neutral reserve fund for tax relief for cafeteria plans.

**Pages S2078, S2079**

Conrad (for Allard) Amendment No. 4159, to ensure that the Secretary of Health and Human Services has continued authority to prevent fraud and protect the integrity of the Medicaid program and SCHIP and to reduce inappropriate spending under those programs.

**Pages S2078, S2079**

Conrad (for Baucus) Amendment No. 4333, to express the sense of the Senate that Medicaid administrative regulations should not undermine Medicaid's role in our Nation's health care system, cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, or undermine the Federal guarantee of health insurance coverage Medicaid provides.

**Pages S2078, S2079–80**

Conrad (for Kohl) Amendment No. 4255, to increase fiscal year 2009 funding for Juvenile Justice Programs to \$560 million, with an offset.

**Pages S2078, S2080**

Conrad (for Hatch) Amendment No. 4283, to express the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the USPTO shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

**Pages S2078, S2080**

Conrad (for DeMint) Amendment No. 4345, to provide for a deficit-neutral reserve fund for education reform.

**Pages S2079, S2080**

Conrad (for Cardin) Amendment No. 4220, to increase funding for water quality research programs at the United States Geological Survey, with an offset.

**Pages S2078, S2080**

By 70 yeas to 27 nays (Vote No. 80), Boxer Amendment No. 4379, to facilitate coverage of pregnant women in SCHIP.

**Pages S2082–83**

Conrad (for Leahy) Modified Amendment No. 4270, to add a deficit-neutral reserve fund for legislation that improves the participation of naturalized citizens in the United States political process, strengthens national security by improving and expediting FBI security name checks, and reduces the backlog of naturalization applications for individuals seeking to become naturalized citizens.

**Page S2083**

Conrad (for Gregg) Amendment No. 4302, to provide for a reserve fund for legislation to provide access, coverage, and choice for every American to quality and affordable care.

**Page S2083**

Conrad (for Clinton) Amendment No. 4300, to provide for a reserve fund for legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks.

**Page S2083**

Conrad (for Baucus) Amendment No. 4331, to add a deficit-neutral reserve fund to ban abusive and inappropriate sales and marketing tactics used by private insurers offering Medicare Advantage and prescription drug plans.

**Pages S2083, S2083–84**

Conrad (for Collins) Modified Amendment No. 4209, to provide for renewable energy and energy efficiency tax credits with offsets.

**Pages S2083, S2084**

Conrad (for Specter/Casey) Amendment No. 4375, to express the sense of the Senate regarding Philadelphia Housing Authority's "Moving to Work Agreement" with the U.S. Department of Housing and Urban Development.

**Pages S2083, S2084**

Conrad (for Bunning) Amendment No. 4307, to permanently extend the adoption tax credit and the exclusion for adoption assistance programs included in the Economic Growth and Tax Relief Reconciliation Act of 2001.

**Pages S2083, S2084**

Conrad (for Graham/DeMint) Amendment No. 4371, to express the sense of the Senate regarding a Balanced Budget Amendment to the Constitution of the United States.

**Pages S2083, S2084**

By 73 yeas to 23 nays (Vote No. 83), Biden Amendment No. 4245, to restore full funding for the international affairs budget, in support of the reconstruction of Iraq and Afghanistan, nuclear proliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset.

**Page S2086**

By 73 yeas to 23 nays (Vote No. 84), Vitter Amendment No. 4299, expressing the sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

**Pages S2086–87**

Conrad (for Barrasso) Amendment No. 4206, to provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973.

**Page S2087**

Rejected:

By 47 yeas to 52 nays (Vote No. 43), Graham Modified Amendment No. 4170, to protect families, family farms and small businesses by extending the income tax rate structure, raising the death tax exemption to \$5,000,000 and reducing the maximum death tax rate to no more than 35 percent; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher

taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains. **Pages S2036–37, S2041–42**

By 49 yeas to 50 nays (Vote No. 45), Gregg (for Specter/Craig) Amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto.

**Pages S2037, S2042–43**

By 49 yeas to 51 nays (Vote No. 46), Senate failed to table the motion to reconsider the vote by which Gregg (for Specter/Craig) Amendment No. 4189 (listed above) was rejected by 49 yeas to 50 nays.

**Page S2043**

By 49 yeas to 51 nays (Vote No. 48), Gregg (for Specter/Craig) Amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto, upon reconsideration.

**Pages S2037, S2043**

By 38 yeas to 62 nays (Vote No. 49), Conrad (for Salazar) Modified Amendment No. 4196, to reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax.

**Pages S2037, S2044**

By 50 yeas to 50 nays (Vote No. 50), Kyl Amendment No. 4191, to protect small businesses, family ranches and farms from the Death Tax by providing a \$5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35 percent.

**Pages S2037, S2044**

By 47 yeas to 53 nays (Vote No. 52), Bunning Modified Amendment No. 4192, to repeal the tax increase on Social Security benefits imposed by the Omnibus Budget Reconciliation Act of 1993.

**Pages S2037, S2046**

By 47 yeas to 51 nays (Vote No. 56), Alexander Modified Amendment No. 4207, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

**Pages S2037, S2048–49**

By a unanimous vote of 97 nays (Vote No. 62), Allard Amendment No. 4246, to raise taxes by an unprecedented \$1.4 trillion for the purpose of fully funding 111 new or expanded federal spending programs.

**Pages S2037, S2054**

By 42 yeas to 56 nays (Vote No. 63), Ensign Amendment No. 4240, to require wealthy Medicare beneficiaries to pay a greater share of their Medicare Part D premiums.

**Page S2055**

By 43 yeas to 55 nays (Vote No. 64), Sanders Amendment No. 4218, to put children ahead of millionaires and billionaires by restoring the pre-2001 top income tax rate for people earning over \$1 million, and use this revenue to invest in LIHEAP,

IDEA, Head Start, Child Care, nutrition, school construction, and deficit reduction. **Pages S2055–56**

By 40 yeas to 58 nays (Vote No. 65), DeMint Amendment No. 4328, to provide for a deficit-neutral reserve fund for Social Security reform.

**Pages S2057–58**

By 29 yeas to 68 nays (Vote No. 66), DeMint (for Allard) Amendment No. 4232, to pay down the Federal debt and eliminate government waste by reducing spending 5 percent on programs rated (as mandated under the Government Performance and Results Act (Public Law 103–62)) ineffective by the Office of Management and Budget Program Assessment Rating Tool.

**Pages S2059–60**

Vitter/Inhofe Amendment No. 4309, to create a reserve fund to ensure that Federal assistance does not go to sanctuary cities that ignore the immigration laws of the United States and create safe havens for illegal aliens and potential terrorists. (By 58 yeas to 40 nays (Vote No. 69), Senate tabled the amendment.)

**Pages S2063–64**

By 49 yeas to 49 nays (Vote No. 71), Ensign Amendment No. 4335, to increase funding for the Department of Justice for the vigorous enforcement of a prohibition against taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions consistent with the Child Custody Protection Act, which passed the Senate by a bipartisan vote of 65–34, with an offset.

**Pages S2070–71**

By 49 yeas to 50 nays (Vote No. 74), Kyl Amendment No. 4348, to provide certainty to taxpayers by extending expiring tax provisions such as the R&D Tax Credit that helps U.S. companies innovate, the combat pay exclusion for our soldiers in the field, the education deduction to make colleges more affordable and the alternative energy incentives to make the environment cleaner through the end of 2009.

**Pages S2072–73**

By 23 yeas to 77 nays (Vote No. 76), Landrieu Amendment No. 4378, to protect family businesses and farmers without increasing our nation's debt by providing for an estate tax that sets the exemption at \$5 million and the rate at 35 percent, with the benefits of the exemption recaptured for estates over \$100 million, paid for by closing tax loopholes that allow offshore deferral of compensation and transactions entered into solely for the purpose of avoiding taxation.

**Pages S2075–76**

By 48 yeas to 50 nays (Vote No. 77), Kyl Amendment No. 4372, to protect small businesses, family ranches and farms from the Death Tax by providing a \$5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%.

**Pages S2076–77**

By 47 yeas to 51 nays (Vote No. 78), Grassley Modified Amendment No. 4276, to exempt from pay-as-you-go enforcement modifications to the individual alternative minimum tax (AMT) that prevent millions of additional taxpayers from having to pay the AMT. **Pages S2077–78**

By 41 yeas to 57 nays (Vote No. 79), DeMint Amendment No. 4380, to provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA earmarks to the Marine Corps. **Pages S2081–82**

By 46 yeas to 52 nays (Vote No. 81), Allard Amendment No. 4233, to require that legislation to reauthorize SCHIP include provisions codifying the unborn child regulation. **Pages S2083, S2084–85**

By 45 yeas to 51 nays (Vote No. 82), DeMint Amendment No. 4339, to provide for a deficit-neutral reserve fund for providing an above the line Federal income tax deduction for individuals purchasing health insurance outside the workplace. **Pages S2080–81, S2085**

Withdrawn:

Inhofe Amendment No. 4239, to express the sense of the Senate on funding for national defense in future fiscal years. **Page S2062**

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

By 58 yeas to 40 nays (Vote No. 61), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904(c) of the Congressional Budget Act of 1974, with respect to Cornyn Amendment No. 4242, to protect the family budget by providing for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students. Subsequently, the point of order that the amendment was in violation of section 305 of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S2037, S2053**

By 39 yeas to 59 nays (Vote No. 72), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 305(b)(2) of the Congressional Budget Act of 1974, with respect to DeMint Amendment No. 4340, to create a point of order against bills that would raise gasoline prices. Subsequently, the Chair sustained the point of order that DeMint Amendment No. 4340 was not germane, and the amendment thus fell. **Page S2071**

By 27 yeas to 71 nays (Vote No. 73), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904(c) of the Congressional Budget Act of 1974, with respect to Cornyn

Amendment No. 4313, to protect the family budget from runaway Government spending by increasing the number of Senators necessary to waive the PAYGO Point of Order from 60 to 100. Subsequently, the point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S2071–72**

By 29 yeas to 71 nays (Vote No. 75), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 305(b)(2) of the Congressional Budget Act of 1974, with respect to DeMint Amendment No. 4347, to establish an earmark moratorium for fiscal year 2009. Subsequently, the Chair sustained the point of order that DeMint Amendment No. 4347 was not germane, and the amendment thus fell. **Pages S2074–75**

A unanimous-consent agreement was reached providing that the enrolling clerk be authorized to make technical and conforming changes to the levels in Title 1 of S. Con. Res. 70 at the direction of the Committee on Budget majority staff, to reflect the effects of amendments agreed to by the Senate. **Page S2118**

*Adjournment Resolution:* Senate agreed to H. Con. Res. 316, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S2187**

*Authorizing Use of the Rotunda:* Senate agreed to S. Con. Res. 71, authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. **Pages S2187–88**

*Congratulating X PRIZE Foundation:* Senate agreed to S. Res. 486, to congratulate the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition. **Page S2188**

*National Rehabilitation Counselors Appreciation Day:* Senate agreed to S. Res. 487, designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day. **Page S2188**

*National Safe Place Week:* Senate agreed to S. Res. 488, designating the week beginning March 16, 2008, as “National Safe Place Week”. **Pages S2188–89**

*Public Radio Recognition Month:* Senate agreed to S. Res. 489, designating April 2008 as Public Radio Recognition Month. **Page S2189**

**Death of former Senator Howard Metzenbaum:** Senate agreed to S. Res. 485, relative to the death of Howard Metzenbaum, former United States Senator for the State of Ohio. **Pages S2189–90**

**Measures Considered:**

**New Direction for Energy Independence, National Security, and Consumer Protection Act and the Renewable Energy and Energy Conservation Tax Act:** Senate resumed consideration of the motion to proceed to consideration of H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. **Page S2119**

**Authorizing Leadership to Make Appointments—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or 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 S2190**

**Authority for Committees—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the recess of the Senate, committees be authorized to file legislative and executive matters on Thursday, March 27, 2008, from 10:00 a.m. until 12:00 noon. **Page S2194**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:

Protocol Amending 1980 Tax Convention with Canada (Treaty Doc. No. 110–15).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S2187**

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

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Ondray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

James Francis Moriarty, of Massachusetts, to be Ambassador to the People's Republic of Bangladesh.

Javid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

Javid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency.

Neil Romano, of Maryland, to be an Assistant Secretary of Labor.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.

John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to be an Assistant Secretary of Health and Human Services.

Jan Cellucci, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for

Education Sciences for a term expiring November 28, 2011.

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt.

4 Air Force nominations in the rank of general.  
2 Army nominations in the rank of general.

4 Coast Guard nominations in the rank of admiral.

1 Marine Corps nomination in the rank of general.  
19 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, National Oceanic and Atmospheric Administration, Navy.

**Pages S2195–97**

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

David R. Hill, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency.

Barbara McConnell Barrett, of Arizona, to be Ambassador to the Republic of Finland.

T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

24 Air Force nominations in the rank of general.

4 Marine Corps nominations in the rank of general.

**Pages S2194–97**

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

Charles A. Gargano, of New York, to be Ambassador to the Republic of Austria, which was sent to the Senate on November 7, 2007.

David R. Hill, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency, which was sent to the Senate on December 3, 2007.

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**Messages from the House:** **Page S2128**

**Enrolled Bills Presented:** **Page S2128**

**Executive Communications:** **Pages S2128–29**

**Petitions and Memorials:** **Pages S2129–30**

**Executive Reports of Committees:** **Pages S2130–32**

**Additional Cosponsors:** **Pages S2134–38**

**Statements on Introduced Bills/Resolutions:** **Pages S2138–67**

**Additional Statements:** **Pages S2126–28**

**Amendments Submitted:** **Pages S2167–86**

Notices of Hearings/Meetings: Page S2186

Authorities for Committees to Meet: Page S2186

**Adjournment:** Senate convened at 10:15 a.m. and recessed, as a further mark of respect to the memory of the late former Senator Howard Metzenbum, in accordance with S. Res. 485, at 2:36 a.m., until 12:00 noon on Tuesday, March 18, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2194.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

*Committee on Appropriations:* Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Housing and Urban Development, after receiving testimony from Alphonso Jackson, Secretary of Housing and Urban Development.

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 2,614 nominations in the Army, Navy, Air Force, and Marine Corps.

### BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the nominations of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce, and Simon Charles Gros, of New Jersey, to be Assistant Secretary of Transportation for Governmental Affairs, and promotion lists in the United States Coast Guard and the National Oceanic and Atmospheric Administration Commissioned Corps.

Prior to this action, committee concluded a hearing to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce, after the nominee testified and answered questions in his own behalf.

### FOREST MANAGEMENT IN THE PACIFIC NORTHWEST REGION

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests concluded a hearing to examine old-growth forest science, focusing on policy and management in the Pacific Northwest region, after receiving testimony from Linda Goodman, Regional Forester, Pacific Northwest Region, United States Department of Agriculture Forest Service; James Caswell, Director, Bureau of Land Management, Department of the Interior; Marvin D.

Brown, Oregon Department of Forestry, Salem; David A. Perry, and John Tappeiner, both of Oregon State University Department of Forest Engineering, Corvallis; Paul H. Beck, Herbert Lumber Company, Riddle, Oregon; and Randi Spivak, American Lands Alliance, Washington, D.C.

### U.S. ECONOMIC INTERESTS AND SECURITY

*Committee on Finance:* Committee concluded a hearing to examine customs reauthorization relative to the activity of the U.S. Customs and Border Protection agency and the U.S. Immigration and Customs Enforcement agency, both of the Department of Homeland Security, focusing on strengthening United States economic interests and security, after receiving testimony from Samuel H. Banks, Sandler and Travis Trade Advisory Services, Inc., Washington, D.C.; Charlene N. Stocker, Procter and Gamble Distributing, LLC, Cincinnati, Ohio, on behalf of the American Association of Exporters and Importers; Greg P. Brown, Ford Global Technologies, Dearborn, Michigan; and Antoinette M. Tease, Antoinette M. Tease, P.L.L.C., Billings, Montana.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following:

S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, with amendments; and

The nominations of William Raymond Steiger, of Wisconsin, to be Ambassador to the Republic of Mozambique, Department of State, and a promotion list in the Foreign Service.

### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following:

S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, with an amendment in the nature of a substitute;

S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, with an amendment in the nature of a substitute;

S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, with an amendment in the nature of a substitute;