Wednesday, October 26, 2005

# Daily Digest

# Senate

## Chamber Action

*Routine Proceedings, pages S11853–S11951*

**Measures Introduced:** Five bills and one resolution were introduced, as follows: S. 1921–1925, and S. Res. 288. **Page S11917**

**Measures Reported:**

S. Res. 255, recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''. **Page S11917**

**Measures Passed:**

***Rosa Parks Federal Building/William B. Bryant Annex:*** Senate passed S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building'', after agreeing to the following amendment proposed thereto: **Pages S11892–94**

Warner Amendment No. 2330, to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the ''William B. Bryant Annex''. **Page S11894**

***Recognizing Wellington Mara:*** Senate agreed to S. Res. 288, recognizing the life and accomplishments of Wellington Mara of New York. **Page S11950**

***National Domestic Violence Awareness Month:*** Committee on the Judiciary was discharged from further consideration of S. Res. 282, supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families, and the resolution was then agreed to. **Pages S11950–51**

**Labor/HHS/Education Appropriations:** Senate continued consideration of H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S11857, S11910**

Adopted:

Coburn Amendment No. 2231, to require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress. **Page S11875**

Santorum Amendment No. 2239, to provide funding for the purchase of rapid oral HIV tests. **Pages S11881–82**

Specter Amendment No. 2291, to restrict the use of funds to implement or enforce the interim final rule with respect to power mobility devices. **Page S11885**

Specter (for Levin) Amendment No. 2268, to amend section 316 of the Immigration and Nationality Act, to reduce the residency requirement and limit the adjudication period for the naturalization of aliens with extraordinary ability so that such aliens may represent the United States as international events. **Page S11886**

Specter (for Chambliss) Amendment No. 2260, to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa. **Pages S11885–88**

Specter (for Frist) Amendment No. 2278, to increase funding for suicide prevention activities. **Page S11901**

Durbin Amendment No. 2315, to designate a port of entry. **Pages S11901–02**

Durbin Amendment No. 2228, to ensure the scientific integrity of Federally-funded scientific advisory committees and their findings. **Pages S11873–75, S11902**

Harkin (for Kennedy) Modified Amendment No. 2246, to ensure that the Current Employment Survey maintains the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series. **Pages S11902–05**

Dayton Amendment No. 2244, to provide for the production and mailing of a corrected Medicare and You handbook. **Pages S11881, S11905**

Rejected:

By 46 yeas to 53 nays (Vote No. 271), Gregg/Grassley Modified Amendment No. 2253, to increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction. **Pages S11889–92**

By 14 yeas to 85 nays (Vote No. 274), Coburn Amendment No. 2232, to increase funding for the AIDS drug assistance program.

**Pages S11876–80, S11895–96**

Pending:

Sununu Amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project. **Page S11857**

Sununu Modified Amendment No. 2215, to increase funding for community health centers.

**Pages S11857, S11872–73**

Thune Further Modified Amendment No. 2193, to provide funding for telehealth programs.

**Pages S11857, S11908–09**

Murray Amendment No. 2220, to provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit. **Pages S11857–58**

Harkin Modified Amendment No. 2283, to make available funds for pandemic flu preparedness.

**Pages S11863, S11866, S11888–89**

Clinton/Schumer Amendment No. 2313, to provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel.

**Pages S11872, S11909**

Coburn Amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities. **Pages S11875–76**

Coburn Amendment No. 2230, to limit funding for conferences. **Page S11876**

Dayton Amendment No. 2245, to fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act.

**Page S11881**

Dayton Amendment No. 2289, to increase funding for disabled voter access services under the Help America Vote Act of 2002. **Page S11881**

Santorum Amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options. **Pages S11882–83**

Santorum Amendment No. 2237, to provide grants to promote healthy marriages. **Pages S11883–85**

Durbin (for Boxer/Ensign) Amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers.

**Page S11896**

Bingaman (for Smith/Bingaman) Amendment No. 2259, to provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration. **Page S11896**

Bingaman Amendment No. 2218, to increase funding for advanced placement programs.

**Pages S11896–97**

Bingaman Amendment No. 2219, to increase funding for school dropout prevention. **Page S11897**

Bingaman/Salazar Amendment No. 2262, to increase funding for education programs serving Hispanic students. **Pages S11897–S11900**

Harkin Amendment No. 2322, to prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards. **Page S11900**

Cornyn Amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants. **Pages S11900–01**

Landrieu Amendment No. 2248, to increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita.

**Pages S11905–06**

Landrieu Amendment No. 2250, to provide funding to carry out the Mosquito Abatement for Safety and Health Act. **Page S11906**

Landrieu Amendment No. 2249, to require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita. **Page S11906**

Collins/Feingold Modified Amendment No. 2265, to fund grants for innovative programs to address dental workforce needs. **Pages S11906–07**

Murray Amendment No. 2285, to insert provisions related to an investigation by the Inspector General. **Pages S11907–08**

Ensign Amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS). **Page S11909**

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

By 44 yeas to 51 nays (Vote No. 269), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Byrd Amendment No. 2275, to provide additional funding for title I of the Elementary and Secondary Education Act of 1965.

Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S11859–66**

By 54 yeas to 43 nays (Vote No. 270), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 502(c)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Reed Further Modified Amendment No. 2194, to provide for appropriations for the Low-Income Home Energy Assistance Program. Subsequently, a point of order that the emergency designation provision would violate section 502(c)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus fell. **Pages S11857, S11858–59, S11891**

By 47 yeas to 52 nays (Vote No. 272), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Dodd Amendment No. 2254, to increase appropriations for Head Start programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S11866–69, S11892**

By 46 yeas to 53 nays (Vote No. 273), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Clinton Amendment No. 2292, to provide additional funding for part B of the Individuals with Disabilities Education Act. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S11869–72, S11894–95**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, October 27, 2005, with the time until 10 a.m., equally divided between the majority and the minority, and at 10 a.m., Senate vote on the motion to invoke cloture on the bill; provided further, that Senators have up until 10 a.m. to file second-degree amendments. **Page S11891**

**Defense Authorization—Agreement:** A unanimous-consent-time agreement was reached providing that at a time determined by the Majority Leader, with the concurrence of the Democratic Leader, Senate resume consideration of S. 1042, to authorize appropriations for fiscal year 2006 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; that it be considered under certain limitations relative to amendments; provided further, that there be 2 hours of general debate on the bill divided between the two managers; and that at the expiration of that time and the disposition of certain amendments, the bill be read a third time, and the Senate then proceed to a vote on the passage of the bill, as amended, if amended.

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

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

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

Lisette M. Mondello, of Texas, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs). **Page S11951**

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

Bernadette Mary Allen, of Maryland, to be Ambassador to the Republic of Niger.

Janice L. Jacobs, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau.

Marilyn Ware, of Pennsylvania, to be Ambassador to Finland.

Routine lists in the Army. **Page S11951**

**Messages From the House:** **Page S11916**

**Measures Referred:** **Page S11916**

**Executive Communications:** **Pages S11916–17**

**Additional Cosponsors:** **Pages S11917–19**

**Statements on Introduced Bills/Resolutions:** **Pages S11919–22**

**Additional Statements:** **Pages S11915–16**

**Amendments Submitted:** **Pages S11922–48**

**Notices of Intent:** **Page S11948**

**Notices of Hearings/Meetings:** **Page S11948**

**Authorities for Committees to Meet:** **Pages S11948–49**

**Privileges of the Floor:** **Page S11949**

**Record Votes:** Six record votes were taken today. (Total–274) **Pages S11866, S11891–92, S11894–95, S11896**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 7:51 p.m., until 9:30 a.m., on Thursday, October 27, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11951.)

# Committee Meetings

*(Committees not listed did not meet)*

## RECONCILIATION

*Committee on the Budget:* Committee ordered favorably reported an original bill entitled, ''Deficit Reduction Omnibus Reconciliation Act of 2005''.

## FEDERAL LANDS RECREATION ENHANCEMENT ACT

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests concluded a hearing to examine the implementation of the Federal Lands Recreation Enhancement Act (P.L. 108–447), by the Forest Service and the Department of the Interior, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; P. Lynn Scarlett, Assistant Secretary of the Interior for Policy, Management and Budget; Marvel C. Stalcup, Arizona No-Fee Coalition, Sedona; Kitty Benzar, Western Slope No-Fee Coalition, Norwood, Colorado; Lance Young, One World Outing Club, Seattle, Washington; and Aubrey C. King, King and Gorin, Bowie, Maryland, on behalf of Western States Tourism Policy Council, Southeast Tourism Society, National Association of RV Parks and Campgrounds, and the National Alliance of Gateway Communities.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee reported favorably the following business items:

S. 1869, to reauthorize the Coastal Barrier Resources Act;

S. Res. 255, recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey; and S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

Also, committee failed to approve for reporting S. 1772, to streamline the refinery permitting process, as amended.

## ECO-TERRORISM: ANIMAL RIGHTS ACTIVISTS

*Committee on Environment and Public Works:* Committee continued a hearing to examine the threat posed by animal rights activists, specifically Stop Huntingdon Animal Cruelty and their use of direct action against individuals and companies, focusing on efforts to combat domestic extremists, and ways to protect victims, after receiving testimony from John E. Lewis, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, and Barry M. Sabin, Chief, Counterterrorism Section, Criminal Division, both of the Department of Justice; Mark L. Bibi, Huntingdon Life Sciences, Inc., Hackensack, New Jersey; Skip Boruchin, Legacy Trading Company, Edmond, Oklahoma; Richard P. Bernard, New York Stock Exchange, New York, New York; and Jerry Vlasak, North American Animal Liberation Press Office, Santa Monica, California.

## NOMINATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of James Caldwell Cason, of Florida, to be Ambassador to the Republic of Paraguay, after the nominee testified and answered questions in his own behalf.

## UNCOLLECTED TAXES

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine the tax gap, focusing on components that make up the tax gap and how to ensure that American taxpayers are not bearing the financial burden of those who are not complying with the law, after receiving testimony from Mark Everson, Commissioner, Internal Revenue Service, Department of the Treasury; Bart Lanier Graham, Georgia Department of Revenue, Atlanta; and Colleen M. Kelley, National Treasury Employees Union, Washington, D.C.

## EMERGENCY PREPAREDNESS

*Committee on the Judiciary:* Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine emergency preparedness relating to terrorism, focusing on communications failures, risk-based funding, and risk assessment, after receiving testimony from former Senator Slade Gorton, on behalf of the National Commission on Terrorist Attacks Upon the United States; Wayne C. Thomas, Innovative Emergency Management, Inc., Baton Rouge, Louisiana; Henry R. Renteria, California Governor's Office of Emergency Services, Mather; Matthew R. Bettenhausen, California Office of Homeland Security, Sacramento; and Michael O'Hanlon, Brookings Institution, Washington, D.C.

## NINTH CIRCUIT

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine proposals to divide the Ninth Judicial Circuit of the United States, including S. 1296, S. 1301, and S. 1845, after receiving testimony from Diarmuid F. O'Scannlain, Portland, Oregon, Richard C. Tallman, Seattle, Washington, Alex Kozinski, Pasadena, California, Andrew J. Kleinfeld, Fairbanks,