

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3010, Labor/HHS/Education Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11953–S12037

Measures Introduced: Twelve bills and six resolutions were introduced, as follows: S. 1926–1937, S. Res. 289–293, and S. Con. Res. 61. **Pages S12006–07**

Measures Reported:

H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians. (S. Rept. No. 109–160)

S. 485, to reauthorize and amend the National Geologic Mapping Act of 1992. (S. Rept. No. 109–161)

S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area. (S. Rept. No. 109–162)

S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area, with an amendment in the nature of a substitute (S. Rept. No. 109–163)

S. 166, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy. (S. Rept. No. 109–164)

S. 251, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins in Oregon, with amendments. (S. Rept. No. 109–165)

S. 213, to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico, with an amendment in the nature of a substitute. (S. Rept. No. 109–166)

S. 592, to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming. (S. Rept. No. 109–167)

S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes. (S. Rept. No. 109–168)

S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska. (S. Rept. No. 109–169)

S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska with an amendment. (S. Rept. No. 109–170)

S. 777, to designate Catoclin Mountain Park in the State of Maryland as the “Catoclin Mountain National Recreation Area”, with amendments. (S. Rept. No. 109–171)

H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California. (S. Rept. No. 109–172)

S. 1803, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 109–173)

S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Pages S12005–06

Measures Passed:

Disaster Relief and Emergency Assistance: Senate passed S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, after agreeing to the committee amendment in the nature

of a substitute, and the following amendments proposed thereto:

Martinez (for Collins/Martinez) Amendment No. 2340, in the nature of a substitute. **Pages S12024–26**
Page S12025

Martinez Amendment No. 2341, to amend the title. **Page S12025**

Enrollment Correction: Senate agreed to H. Con. Res. 276, requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses. **Pages S12023–24**

Labor/HHS/Education Appropriations: By 94 yeas to 3 nays (Vote No. 281), Senate passed 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, after taking action on the following amendments proposed thereto:

Pages S11953–76, S11978–S12002

Adopted:

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 S11953, S11955–57

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

Pages S11953, S11958

Collins/Feingold Modified Amendment No. 2265, to fund grants for innovative programs to address dental workforce needs.

Pages S11953, S11958

Specter (for Lautenberg) Amendment No. 2269, to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Page S11958

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

Pages S11953, S11958

Specter (for Alexander) Modified Amendment No. 2308, to provide funding for a National Assessment of Educational Progress test in United States history.

Pages S11958

Bingaman Modified Amendment No. 2219, to increase funding for school dropout prevention.

Pages S11953, S11958

Bingaman/Hutchison Modified Amendment No. 2218, to provide funding for advanced placement programs.

Pages S11953, S11973–75

Harkin Further Modified Amendment No. 2283, to make available funds for influenza preparedness.

Pages S11953, S11958–73, S11978–80

Specter (for Allen/Warner) Amendment No. 2324, to express the Sense of the Senate concerning the treatment of physician costs in the calculation of the Medicaid disproportionate share hospital uncompensated cost limit by the State of Virginia.

Pages S11980–81

Feingold/Collins Modified Amendment No. 2279, to provide funding for the Automatic Defibrillation in Adam's Memory Act.

Pages S11972, S11981

Specter (for Cochran) Amendment No. 2299, to provide additional public health funding.

Pages S11981, S11989

Specter (for Obama) Amendment No. 2301, to increase funds to the Thurgood Marshall Legal Educational Opportunity Program and to the Office of Special Education Programs of the Department of Education for the purpose of expanding positive behavioral interventions and supports.

Page S11981

Specter (for Coleman/Bingaman) Amendment No. 2327, to develop a strategic plan for increasing the number of foreign students attending institutions of higher education in the United States.

Page S11981

Landrieu Modified Amendment No. 2248, to increase appropriations for the Federal TRIO programs.

Pages S11953, S11981–82

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

Pages S11953, S11982

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

Pages S11953, S11982

Specter (for Domenici) Modified Amendment No. 2276, to provide appropriations for the National Youth Sports Program, a private, nonprofit organization to provide recreational activities for low-income youth, primarily in the summer months, which employs college and university athletic facilities.

Page S11982

Bingaman Modified Amendment No. 2262, to increase funding for education programs serving Hispanic students.

Pages S11953, S11975–76, S11982–83

Kerry Amendment No. 2216, to provide for a limitation on funds.

Pages S11985–87

Coburn Modified Amendment No. 2230, to limit funding for travel and conferences.

Pages S11953, S11989

Specter (for Levin) Amendment No. 2282, to create a national family reunification initiative.

Pages S11989–90

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

Pages S11953, S11990

Specter (for Enzi) Modified Amendment No. 2295, to prohibit certain action with respect to re-designation of local areas. **Page S11990**

Specter (for Coburn) Modified Amendment No. 2234, to ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Health and Human Services and the Department of Education have reported specific actions taken to estimate improper payments under the Temporary Assistance for Needy Families, Foster Care and Adoption Assistance, Medicaid, and State Children's Health Insurance programs, the Child Care and Development Block Grant Act of 1990, and programs and activities under title I of the Elementary and Secondary Education Act of 1965, as required under the Improper Payments Information Act of 2002. **Page S11990**

Harkin Modified Amendment No. 2280, to authorize the Secretary of Health and Human Services to temporarily waive certain vehicle safety regulations relating to the Head Start program and to postpone the effective date of section 1310.12(a) of the Code of Federal Regulations under certain conditions. **Pages S11990–91**

Specter (for Nelson (NE)) Amendment No. 2272, to express the sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program. **Page S11991**

Rejected:

By 41 yeas to 56 nays (Vote No. 280), Ensign Amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS). **Pages S11953, S11987–89**

Withdrawn:

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 S11953**

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. **Pages S11953, S11989**

Murray Amendment No. 2285, to insert provisions related to an investigation by the Inspector General. **Pages S11953, S11989**

Cornyn Amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants. **Pages S11953, S11989**

Coburn Amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities. **Pages S11953, S11989**

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

By a unanimous vote of 97 yeas (Vote No. 275), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S11957–58**

By 46 yeas to 50 nays (Vote No. 278), 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 Bingaman (for Smith/Bingaman) Amendment No. 2259, to provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration. 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 S11953, S11976, S11983–85**

By 41 yeas to 56 nays (Vote No. 279), 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 Durbin (for Boxer) Modified Amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers. 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 S11953, S11988–89**

Chair sustained the point of order that the following amendments be ruled non-germane and the amendments thus fell:

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 S11953, S11958**

Santorum Amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options. **Pages S11953 S11958**

Santorum Amendment No. 2237, to provide grants to promote healthy marriages. **Pages S11953, S11958**

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. **Pages S11953, S11958**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on

the part of the Senate: Senators Specter, Cochran, Gregg, Craig, Hutchison, Stevens, DeWine, Shelby, Domenici, Harkin, Inouye, Reid, Kohl, Murray, Landrieu, Durbin, and Byrd. **Page S11999**

Honoring Rosa Parks: Senate agreed to S. Con. Res. 61, authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol. **Pages S12026–27**

Honoring “Shoeless Joe” Jackson: Senate agreed to S. Res. 289, expressing the sense of the Senate that Joseph Jefferson “Shoeless Joe” Jackson should be appropriately honored for his outstanding baseball accomplishments. **Page S12027**

Honoring Former Congressman Edward Roybal: Senate agreed to S. Res. 290, honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman. **Pages S12027–28**

Congratulations Chicago White Sox: Senate agreed to S. Res. 291, to congratulate the Chicago White Sox on winning the 2005 World Series Championship. **Pages S12028–30**

Condemning Anti-Israel Sentiments: Senate agreed to S. Res. 292, calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005. **Page S12030**

Coast Guard Authorization: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1280, Senate companion measure, after agreeing to the committee amendments, and the following amendments proposed thereto: **Pages S12030–36**

McConnell (for Snowe) Amendment No. 2343, to make certain modifications to the bill. **Page S12035**

McConnell (for Inouye) Amendment No. 2344, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard. **Page S12036**

Subsequently, S. 1280 was returned to the Senate calendar. **Page S12036**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Snowe, Lott, Smith, Inouye, Cantwell, and Lautenberg. **Page S12036**

Budget Reconciliation—Agreement: A unanimous-consent agreement was reached providing that at 4 p.m. on Monday, October 31, 2005, Senate

begin consideration of S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); that it be considered under a time agreement; provided further, the Senate then resume consideration of the bill on Tuesday, November 1, 2005, at 9 a.m., under a time agreement; that any votes ordered on Tuesday be postponed to occur at a time determined by the Majority Leader after consultation with the Democratic Leader; Senate then resume consideration of the bill on Wednesday, November 2, 2005 with the time from 8:30 a.m. to 6 p.m. equally divided between the Chairman and Ranking Member; provided further, that at 6 p.m. on Wednesday, all time be considered expired. **Page S12037**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties: Tax Convention with Bangladesh (Treaty Doc. No. 109–5); and

U.N. Convention Against Corruption (Treaty Doc. No. 109–6).

The treaties were 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 S12026**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. 276), John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida. **Pages S11976–77**

By unanimous vote of 97 yeas (Vote No. 277), Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit. **Page S11977**

Nominations Received: Senate received the following nomination:

1 Army nomination in the rank of general. **Page S12037**

Messages From the House: **Page S12004**

Executive Communications: **Pages S12004–05**

Executive Reports of Committees: **Page S12006**

Additional Cosponsors: **Pages S12007–09**

Statements on Introduced Bills/Resolutions: **Pages S12009–18**

Additional Statements: **Pages S12003–04**

Amendments Submitted: **Pages S12018–22**

Notices of Hearings/Meetings: **Pages S12022–23**

Authorities for Committees to Meet: **Page S12023**

Privileges of the Floor: **Page S12023**

Record Votes: Seven record votes were taken today. (Total—281) Page S11957–58, S11977, S11985, S11988–89, S11989, S11998

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:20 p.m., until 10 a.m., on Friday, October 28, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12037.)

Committee Meetings

(Committees not listed did not meet)

FOREST AND RANGELAND RESEARCH PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service, after receiving testimony from Ann Bartuska, Deputy Chief, Research and Development, Forest Service, Department of Agriculture; Steven Daley-Laursen, University of Idaho College of Natural Resources, Moscow; David Canavera, MeadWestvaco Corporation, Summerville, South Carolina, on behalf of the American Forest and Paper Association; Bob Schowalter, State Forester of South Carolina, Columbia, on behalf of the National Association of States Foresters; Robert A. Daniels, Mississippi State University, Mississippi State, Mississippi, on behalf of the Society of American Foresters; and Scott Simon, The Nature Conservancy, Little Rock, Arkansas.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following business items:

S. 1803, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments; and

The nominations of Michael W. Wynne, of Florida, to be Secretary of the Air Force, Donald C. Winter, of Virginia, to be Secretary of the Navy, John G. Grimes, of Virginia, to be Assistant Secretary of Defense for Networks and Information Integration, William Anderson, of Connecticut, to be Assistant Secretary of the Air Force for Installations and Environment, John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, Delores M. Etter, of Maryland, to be Assistant Secretary of the Navy for Research, Development, and Acquisition, A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety

Board, General Burwell B. Bell, III, U.S. Army, for reappointment as a general and assignment as Commander, United Nations Command, Combined Forces Command, and U.S. Forces Korea; and Lieutenant General Lance L. Smith, U.S. Air Force, for appointment as general and assignment as Commander, U.S. Joint Forces Command, and Supreme Allied Commander for Transformation, and 785 nominations in the Army, Navy, Air Force, and Marine Corps.

HURRICANE RESPONSE

Committee on Energy and Natural Resources: Committee concluded a hearing to examine Administration's response to hurricane recovery efforts related to energy and to discuss energy policy, after receiving testimony from Gale A. Norton, Secretary of the Interior; and Samuel W. Bodman, Secretary of Energy.

WORLD TRADE ORGANIZATION

Committee on Finance: Subcommittee on International Trade held a hearing to examine the status and direction of the Doha Round of World Trade Organization negotiations, receiving testimony from Peter Allgeier, Deputy U.S. Trade Representative; Jim Jarrett, Intel Corporation, Santa Monica, California, on behalf of the National Association of Manufacturers; Craig Lang, Iowa Farm Bureau, West Des Moines, on behalf of the American Farm Bureau Federation; Jeffrey R. Shafer, Citigroup, New York, New York, on behalf of the Coalition of Service Industries; and Edward Gresser, Progressive Policy Institute, Washington, D.C.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment in the nature of a substitute;

S. 1003, to amend the Act of December 22, 1974;

S. 1892, to amend Public Law 107–153 to modify a certain date; and

S. 1219, to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

BUSINESS MEETING

Committee on the Judiciary: Committee resumed markup of S. 1789, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of