

# 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. **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

personally identifiable information, but did not complete action thereon, and recessed subject to call.

#### VA'S UNEMPLOYABILITY BENEFIT

*Committee on Veterans Affairs:* Committee concluded a hearing to examine the rising number of disabled veterans deemed unemployable relating to the VA's individual unemployment benefit, focusing on individual unemployability, its history, the criteria used to determine eligibility, and the number of veterans receiving individual unemployability benefits, after receiving testimony from Daniel L. Cooper, Under Secretary for Benefits, and Judith Caden, Director,

Vocational Rehabilitation and Employment Service Director, both of the Department of Veterans Affairs; Cynthia Bascetta, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; and Rick Surratt, Disabled American Veterans, Washington, D.C.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 17 public bills, H.R. 4155–4171; and 9 resolutions, H. Con. Res. 280–285; and H. Res. 519, 521–522 were introduced. **Pages H9361–62**

**Additional Cosponsors:** **Pages H9362–63**

**Reports Filed:** Reports were filed today as follows:

H.R. 4061, to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, (H. Rept. 109–256); and

H. Res. 520, waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, (H. Rept. 109–257). **Pages H9360–61**

**Disapproving the recommendations of the Defense Base Closure and Realignment Commission:** The House disagreed to H.J. Res. 65, to disapprove the recommendations of the Defense Base Closure and Realignment Commission, by a recorded vote of 85 ayes to 324 noes with 1 voting "present", Roll No. 548. **Pages H9289–H9309**

**Suspensions:** The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, October 26th:

**Hurricane Katrina Financial Services Relief Act of 2005:** H.R. 3945, amended, to facilitate recovery from the effects of Hurricane Katrina by providing

greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and Federal regulatory agencies, by a ye-and-nay vote of 411 yeas with none voting "nay", Roll No. 549; **Pages H9309–10**

Agreed to amend the title so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes"; and **Page H9310**

**Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly:** H. Res. 368, to congratulate the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly, by a ye-and-nay vote of 407 yeas with none voting "nay", Roll No. 550. **Page H9310**

**Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006—Motion to go to Conference:** The House disagreed to the Senate amendment and agreed to a conference on H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006. **Pages H9310–12, H9329–30**

The House agreed to the Lowey motion to instruct conferees by a ye-and-nay vote of 259 yeas to 147 nays, Roll No. 554. **Page H9330**

Later, the Chair appointed conferees: Representatives Messrs. Kolbe, Knollenberg, Kirk, Crenshaw,

Sherwood, Sweeney, Rehberg, Carter, Lewis of California, Mrs. Lowey, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Messrs. Rothman, Fattah, and Obey. **Page H9330**

**Lawsuit Abuse Reduction Act of 2005:** The House passed H.R. 420, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, by a recorded vote of 228 ayes to 184 noes, Roll No. 553. **Pages H9282–89, H9312–29**

Rejected the Barrow motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 196 ayes to 217 noes, Roll No. 552. **Pages H9327–29**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Pages H9282–83**

Agreed to:

Smith of Texas Manager's amendment (no. 1 printed in H. Rept. 109–253) which includes provisions imposing sanctions for the destruction of relevant documents in a pending Federal court proceeding; provisions for setting standards for a court's determination that certain court records should be sealed; and provisions providing for a presumption of a Rule 11 violation when the same issue is repeatedly relitigated. It also includes a clarification that makes clear that, in the anti-forum shopping provisions, if there is no State court in the county in which the injury occurred, the case can be brought in the nearest county where a court of general jurisdiction is located. The manager's amendment also makes clear that it does not affect personal injury claims that Federal bankruptcy law requires be heard in a Federal bankruptcy court. **Pages H9319–20**

Rejected:

Schiff amendment in the nature of a substitute (no. 2 printed in H. Rept. 109–253) which sought to provide strong "three strikes and you're out" mandatory sanctions for attorneys who file frivolous lawsuits or engage in frivolous conduct during discovery. It enhances sanctions for document destruction, ensures that corporations can be sued in the U.S., cracks down on parties attempting to relitigate the same issue on consecutive occasions, bans the concealment of unlawful conduct, and protects civil rights claims, (by a recorded vote of 184 ayes to 226 noes, Roll No. 551). **Pages H9320–27**

H. Res. 508, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question. **Page H9312**

**Special Postage Stamp for Breast Cancer Research:** The House agreed by unanimous consent to S. 37, to extend the special postage stamp for breast cancer research for 2 years—clearing the measure for the President. **Pages H9330–31**

**Senate Message:** Messages received from the Senate today appear on pages H9293, H9329.

**Senate Referrals:** S. 939 was referred to the Committee on Transportation and Infrastructure and S. 1285 was held at the desk. **Page H9359**

**Quorum Calls—Votes:** Three yea-and-nay votes, and four recorded votes developed during the proceedings of today and appear on pages H9308–09, H9309, H9310, H9326–27, H9328, H9329, H9329–30. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:43 p.m.

## Committee Meetings

### CYBER SECURITY

*Committee on Armed Services:* Asymmetric and Unconventional Threats Panel held a hearing on Cyber Security, Information Assurance and Information Superiority. Testimony was heard from public witnesses.

### BUDGET RECONCILIATION

*Committee on Education and the Workforce:* Began markup of amendments to the Family Education Reimbursement Act of 2005 for transmission to the Committee on the Budget to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year.

Will continue tomorrow.

### BUDGET RECONCILIATION

*Committee on Energy and Commerce:* Approved, as amended, reconciliation recommendations for Title II, Medicaid, Katrina Health Care Relief, and Katrina and Rita Energy Relief, for transmission to the Committee on the Budget in compliance with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006.

### MISCELLANEOUS MEASURES; BUDGET RECONCILIATION

*Committee on Financial Services:* Ordered reported the following bills: H.R. 3909, amended, Hurricane Check Cashing Relief Act of 2005; H.R. 4133, National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005; and H.R. 4146, Hurricane Rita and Wilma Financial Services Relief Act of 2005.

The Committee also approved for transmission to the Committee on the Budget in compliance with

the reconciliation directive in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006 the following recommendations: Deposit Insurance Reform; and, as amended, FHA Asset Disposition.

#### **DHS—SECOND-STATE REVIEW: ROLE OF THE CHIEF MEDICAL OFFICER**

*Committee on Homeland Security:* Subcommittee on Management, Integration, and Oversight held a hearing entitled “The Department of Homeland Security Second-State Review: The Role of the Chief Medical Officer.” Testimony was heard from Jeffrey W. Runge, M.D., Chief Medical Officer, Department of Homeland Security; and public witnesses.

#### **NUCLEAR INCIDENT RESPONSE TEAMS**

*Committee on Homeland Security:* Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled “Nuclear Incident Response Teams.” Testimony was heard from Joseph Krol, Associate Administrator, Department of Energy; and John Lewis, Deputy Assistant Director, FBI, Department of Justice.

#### **NORTH KOREAN HUMAN RIGHTS ACT**

*Committee on International Relations:* Subcommittee on Africa, Global Human Rights and International Operations and the Subcommittee on Asia and the Pacific held a joint hearing on Lifting the Veil: Getting the Refugees Out, Getting Our Message In: An Update on the Implementation of the North Korean Human Rights Act. Testimony was heard from public witnesses.

#### **U.S. COUNTERTERRORISM STRATEGY UPDATE**

*Committee on International Relations:* Subcommittee on International Terrorism and Nonproliferation held a hearing on the U.S. Counterterrorism Strategy Update. Testimony was heard from Henry A. Crumpton, Coordinator for Counterterrorism, Department of State.

#### **U.S. SECURITY POLICY—CENTRAL ASIA**

*Committee on International Relations:* Subcommittee on the Middle East and Central Asia held a hearing on U.S. Security Policy in Central Asia. Testimony was heard from Representative Smith of New Jersey; and Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

#### **MISCELLANEOUS MEASURES**

*Committee on the Judiciary:* Ordered reported, as amended, the following bills: H.R. 1751, Secure Access to Justice and Court Protection Act of 2005; H.R. 4128, Private Property Rights Protection Act

of 2005; and H.R. 4093, Federal Judgeship and Administrative Efficiency Act of 2005.

#### **STRENGTHENING THE OWNERSHIP OF PRIVATE PROPERTY ACT OF 2005**

*Committee on Resources:* Held a hearing on H.R. 3405, Strengthening the Ownership of Private Property Act of 2005. Testimony was heard from Representatives Bonilla and Otter; and public witnesses.

#### **OVERSIGHT—FISHERY CONSERVATION**

*Committee on Resources:* Held an oversight hearing on the Operations of the Regional Fishery Management Councils and the Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Testimony was heard from public witnesses.

#### **MISCELLANEOUS MEASURES**

*Committee on Resources:* Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 1090, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; H.R. 3603, Central Idaho Economic Development and Recreation Act; H.R. 3817, Valle Vidal Protection Act of 2005; and H.R. 4084, to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain. Testimony was heard from Representative Herger; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Department of the Interior; and public witnesses.

#### **CONFERENCE REPORT—AGRICULTURAL APPROPRIATIONS**

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Bonilla.

#### **NASA—FINANCIAL MANAGEMENT**

*Committee on Science:* Subcommittee on Space and the Sub committee on Government Management, Finance, and Accountability of the Committee on Government Reform held a joint hearing on Financial Management at NASA: Challenges and Next Steps. Testimony was heard from the following officials of



NASA: Gwendolyn Sykes, Chief Financial Officer; Robert Cobb, Inspector General; and Patrick Ciganer, Program Executive Officer, Integrated Enterprise Management; and Gregory Kutz, Managing Director, Forensic Audit and Special Investigations, GAO.

#### OVERSIGHT—GULF COAST REBUILDING

*Committee on Transportation and Infrastructure:* Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Rebuilding Highway and Transit Infrastructure on the Gulf Coast following Hurricane Katrina—State and Local Officials. Testimony was heard from the following officials of the State of Louisiana: Johnny B. Bradley, Secretary, Department of Transportation and Development; and William Deville, General Manager, Regional Transit Authority, New Orleans; the following officials of the Department of Transportation, State of Mississippi: Dick Hall, Central District Commissioner; and Wayne H. Brown, Southern District Commissioner; and Don Vaughn, Chief Engineer, Department of Transportation, State of Alabama.

#### OVERSIGHT—HURRICANE AND FLOOD RISK REDUCTION

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held an oversight hearing on Reducing Hurricane and Flood Risk in the Nation. Testimony was heard from public witnesses.

#### BRIEFING—NYC TERRORISM THREAT REPORTING

*Permanent Select Committee on Intelligence:* Subcommittee on Terrorism, Human Intelligence, and Counterintelligence met in executive session to receive a briefing on New York City Terrorism Threat Reporting. The Subcommittee was briefed by departmental witnesses.

#### HURRICANE KATRINA

*Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:* Held a hearing entitled “Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama.” Testimony was heard from the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; ADM Timothy J. Keating, USN, Commander, North American Aerospace Defense Command and U.S. Northern Command; LTG H. Steven Blum,

USA, Chief, National Guard Bureau; MG Bennett C. Landreneau, USA, The Adjutant General, State of Louisiana; MG Harold A. Cross, USA, The Adjutant General, State of Mississippi; and MG C. Mark Bowen, USA, The Adjutant General, State of Alabama; and RADM R. Dennis Sirois, USCG, Assistant Commandant for Operations, U.S. Coast Guard, Department of Homeland Security.

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#### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 1075)

S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. Signed on October 26, 2005. (Public Law 109–92)

S. 55, to adjust the boundary of Rocky Mountain National Park in the State of Colorado. Signed on October 26, 2005. (Public Law 109–93)

S. 156, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia. Signed on October 26, 2005. (Public Law 109–94)

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#### COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 28, 2005

(Committee meetings are open unless otherwise indicated)

##### Senate

No meetings/hearings scheduled.

##### House

*Committee on Agriculture,* to consider reconciliation instructions pursuant to the Conference Report to accompany H. Con. Res. 65, Establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, 9:30 a.m., 1300 Longworth.

*Committee on Education and the Workforce,* to continue mark up of amendments to the Family Education Reimbursement Act of 2005 for transmission to the Committee on the Budget to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 10 a.m., 2175 Rayburn.

*Committee on Government Operations,* hearing entitled “Justice for All: An Examination of the District of Columbia Juvenile Justice System.” 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, October 28

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 28

Senate Chamber

**Program for Friday:** Senate will be in a period of morning business.

House Chamber

**Program for Friday:** Consideration of Conference Report on H.R. 2744—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2006 (subject to a rule) and possible consideration of the Conference Report on H.R. 2419—Energy and Water Development Appropriations Act for Fiscal Year 2006 (subject to a rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E2186  
 Bilirakis, Michael, Fla., E2203  
 Bishop, Sanford D., Jr., Ga., E2196  
 Blackburn, Marsha, Tenn., E2184  
 Blumenauer, Earl, Ore., E2197  
 Bordallo, Madeleine Z., Guam, E2186, E2191  
 Boyd, Allen, Fla., E2199  
 Burgess, Michael C., Tex., E2179, E2180, E2181, E2183, E2184, E2185, E2192, E2194, E2196, E2197, E2199  
 Chandler, Ben, Ky., E2184  
 Christensen, Donna M., The Virgin Islands, E2202  
 Clay, Wm. Lacy, Mo., E2183  
 Cleaver, Emanuel, Mo., E2188, E2202  
 Clyburn, James E., S.C., E2195  
 Conyers, John, Jr., Mich., E2181  
 Cooper, Jim, Tenn., E2192  
 Cramer, Robert E. (Bud), Jr., Ala., E2192  
 Cummings, Elijah E., Md., E2201  
 Davis, Geoff, Ky., E2181  
 Davis, Lincoln, Tenn., E2191  
 DeLauro, Rosa L., Conn., E2192, E2194  
 Diaz-Balart, Lincoln, Fla., E2197

Dreier, David, Calif., E2181  
 Emerson, Jo Ann, Mo., E2196  
 Etheridge, Bob, N.C., E2183  
 Farr, Sam, Calif., E2198  
 Fattah, Chaka, Pa., E2204  
 Frelinghuysen, Rodney P., N.J., E2183  
 Garrett, Scott, N.J., E2185, E2199, E2202  
 Green, Mark, Wisc., E2198  
 Hastert, J. Dennis, Ill., E2191  
 Higgins, Brian, N.Y., E2193, E2197  
 Holden, Tim, Pa., E2192  
 Holt, Rush D., N.J., E2204  
 Honda, Michael M., Calif., E2185, E2203, E2205  
 Hoyer, Steny H., Md., E2194  
 Hunter, Duncan, Calif., E2198  
 Israel, Steve, N.Y., E2200  
 Kanjorski, Paul E., Pa., E2196  
 Kennedy, Mark R., Minn., E2180  
 Kilpatrick, Carolyn C., Mich., E2197  
 Kucinich, Dennis J., Ohio, E2182  
 Lee, Barbara, Calif., E2204  
 Lipinski, Daniel, Ill., E2185  
 McKeon, Howard P. "Buck", Calif., E2185  
 McKinney, Cynthia A., Ga., E2188

Maloney, Carolyn B., N.Y., E2196  
 Miller, George, Calif., E2202  
 Moran, Jerry, Kans., E2182  
 Pascrell, Bill, Jr., N.J., E2187  
 Pryce, Deborah, Ohio, E2199  
 Radanovich, George, Calif., E2179, E2180  
 Rahall, Nick J., II, W.Va., E2179, E2193  
 Rangel, Charles B., N.Y., E2187  
 Rogers, Mike, Ala., E2194  
 Schiff, Adam B., Calif., E2199  
 Schwartz, Allyson Y., Pa., E2193  
 Scott, David, Ga., E2205  
 Scott, Robert C., Va., E2203  
 Serrano, José E., N.Y., E2182  
 Stark, Fortney Pete, Calif., E2200  
 Udall, Tom, N.M., E2184  
 Van Hollen, Chris, Md., E2204  
 Velázquez, Nydia M., N.Y., E2194  
 Visclosky, Peter J., Ind., E2179, E2180  
 Weller, Jerry, Ill., E2198  
 Wilson, Heather, N.M., E2180  
 Wilson, Joe, S.C., E2181  
 Wolf, Frank R., Va., E2186  
 Woolsey, Lynn C., Calif., E2183



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