

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4077–4089; and 3 resolutions, H. Res. 501–503 were introduced. **Pages H8985–86**

Additional Cosponsors: **Page H8986**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H8921**

Chaplain: The prayer was offered today by Rev. Joseph L. Logrip, Pastor, Immaculate Conception Church, Levittown, Pennsylvania. **Page H8921**

Personal Responsibility in Food Consumption Act of 2005: The House passed H.R. 554, to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, by a yea-and-nay vote of 306 yeas to 120 nays, Roll No. 533. **Pages H8925–40**

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. **Page H8930**

Agreed to:

Sensenbrenner Manager's amendment (No. 1 printed in H. Rept. 109–249) which makes technical changes to the section of the bill that sets out the types of information a plaintiff must provide to a judge to allow the court to determine whether the lawsuit should proceed or be dismissed. It clarifies that the pleading provision in H.R. 554 is meant to apply to all cases seeking obesity-related damages. The amendment adds the phrase "for each defendant and cause of action" to clarify that a judge must apply H.R. 554's pleading requirements to each specific claim. This prevents a plaintiff from improperly using a claim that is not barred by H.R. 554 as a means of pursuing obesity-related claims that are barred by H.R. 554 against the same or other defendants. **Page H8931**

Rejected:

Jackson-Lee of Texas amendment (No. 2 printed in H. Rept. 109–249) which sought to prohibit the food industry from initiating lawsuits against any person for damages or other relief due to injury or potential injury based on a person's consumption of

a qualified food product and weight gain, obesity, or any health condition that is associated with a person's weight gain or obesity (by a recorded vote of 67 yeas to 357 noes, Roll No. 529);

Pages H8931–33, H8937

Filner amendment (No. 3 printed in H. Rept. 109–249) which sought to exempt those who are age eight and under from the provisions of this Act as it relates to large chain outlets (by a recorded vote of 129 yeas to 298 noes, Roll No. 530);

Pages H8933–34, H8937–38

Scott of Virginia amendment (No. 4 printed in H. Rept. 109–249) which sought to exempt State law enforcement actions from the impact of the legislation to ensure that Attorneys General and State agencies can enforce State consumer protection laws concerning mislabeling or other unfair and deceptive trade practices (by a recorded vote of 192 yeas to 234 noes, Roll No. 531); and

Pages H8934–35, H8938–39

Waxman amendment (No. 5 printed in H. Rept. 109–249) which sought to exempt lawsuits involving a dietary supplement relating to a person's weight gain, obesity or any health condition associated with weight gain or obesity (by a recorded vote of 177 yeas to 247 noes, Roll No. 532).

Pages H8935, H8939

The amendment in the nature of a substitute, as amended, was adopted. **Page H8939**

H. Res. 494, the rule providing for consideration of the bill was agreed to on Tuesday, October 18th.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2744, to make appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006. **Pages H8940–46**

Further proceedings on the DeLauro motion to instruct conferees on H.R. 2744, were postponed until tomorrow, Thursday, October 20th. **Page H8946**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 3971: H. Res. 501, to provide for the concurrence by the House with amendments in the amendment of the Senate to H.R. 3971. **Pages H8946–50**

Recess: The House recessed at 2:23 p.m. and reconvened at 4:15 p.m. **Page H8950**

Presidential Message: Read a message from the President concerning a notice of the Continuation of the National Emergency with Respect to Significant Narcotics Traffickers Centered in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 109–61). **Page H8951**

Senate Messages: Messages received from the Senate today appear on pages H8933 and H8979.

Senate Referrals: S. 1886 was referred to Committee on International Relations. **Page H8983**

Quorum Calls—Votes: One yea-and-nay vote and four recorded votes developed during the proceedings of today and appear on pages H8937, H8937–38, H8938–39, H8939 and H8940. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:05 p.m.

Committee Meetings

DEFENSE HEALTH PROGRAM OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on the defense health program overview. Testimony was heard from the following officials of the Department of Defense: William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs; MG Joseph G. Webb, Jr., USA, Deputy Surgeon General, Department of the Army; VADM Donald C. Arthur, USN, Surgeon General, Department of the Navy; and LTG George P. Taylor, USAF, Surgeon General, Department of the Air Force; and public witnesses.

BUDGET RECONCILIATION; PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT

Committee on Education and the Workforce: Began mark up of amendments to the Social Security Act, Welfare Reform regarding the Committee's Instructions pursuant to the Conference Report on H. Con. Res. 95, 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, H. R. 240, Personal Responsibility, Work, and Family Promotion Act of 2005.

Will continue tomorrow.

PROTECTING PROPERTY RIGHTS AFTER KELO

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "Protecting Property Rights After Kelo." Testimony was heard from public witnesses.

ENERGY/WINTER FUELS OUTLOOK

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "EIA's Report on Short-term Energy Outlook and Winter Fuels Outlook." Testimony was heard from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy.

PETROLEUM REFINERY CAPACITY INVESTMENTS

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled "Petroleum Refineries: Will Record Profits Spur Investment in New Capacity?" Testimony was heard from public witnesses.

FEDERALISM AND DISASTER RESPONSE

Committee on Homeland Security: Held a hearing entitled "Federalism and Disaster: Response: Examining the Rules and Responsibilities of Local, State, and Federal Agencies." Testimony was heard from the following Governors: Jeb Bush, Florida; Rick Perry, Texas; and Janet Napolitano, Arizona; and public witnesses.

HOMELAND SECURITY DEPARTMENT—ROLE OF CHIEF INTELLIGENCE OFFICER

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence of the Permanent Select Committee on Intelligence, joint hearing entitled "The Department of Homeland Security Second Stage Review: The Role of the Chief Intelligence Officer." Testimony was heard from Charles Allen, Chief Intelligence Officer, Department of Homeland Security; and a public witness.

CARIBBEAN REGION POLICY REVIEW

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on Policy Overview of the Caribbean Region. Testimony was heard from the following officials of the Department of State: Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and Dan Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H. Con. Res. 267, amended, Expressing the sense of the Congress upholding the Makah Tribe treaty rights; H.R. 323, To redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island