

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2744, Agriculture Appropriations Act.

Senate passed S. 1932, Budget Reconciliation Act.

House Committee ordered reported the Deficit Reduction Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S12285–S12374

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1956–1960, and S. Res. 298–300. **Pages S12353–54**

Measures Reported:

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute.

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment. **Page S12353**

Measures Passed:

Budget Reconciliation: By 52 yeas to 47 nays (Vote No. 303), Senate passed 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), after taking action on the following amendments proposed thereto:

Pages S12291–S12345

Adopted:

Enzi Modified Amendment No. 2352, to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees. **Pages S12292–94**

By 83 yeas to 16 nays (Vote No. 289), Wyden/Talent Amendment No. 2362 (to the language proposed to be stricken by Amendment No. 2358), to enhance the energy security of the United States by prohibiting the exportation of oil and gas produced under leases in the Arctic National Wildlife Refuge. **Pages S12305–06**

By 54 yeas to 45 nays (Vote No. 291), Bingaman Modified Amendment No. 2365, to prevent a severe reduction in the Federal medical assistance percent-

age determined for a State for fiscal year 2006 and to extend rebates for prescription drugs to enrollees in Medicaid managed care organizations. **Pages S12307–08**

By 93 yeas to 6 nays (Vote No. 292), Lott/Lautenberg Amendment No. 2360, to reauthorize Amtrak. **Page S12308**

Vitter (for Stevens) Amendment No. 2412, to modify the distribution of excess proceeds from the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934. **Page S12310**

Harkin Amendment No. 2363, to affirm that the Federal funding levels for the rate of reimbursement of child support administrative expenses should not be reduced below the levels provided under current law, that States should continue to be permitted to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, and to express the sense of the Senate that it does not support additional fees for successful child support collection. **Pages S12311–12**

Gregg (for Murray/DeWine) Amendment No. 2350, to amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965. **Pages S12314–17**

Gregg (for Specter/Leahy) Amendment No. 2378, to fund justice programs. **Pages S12314–17**

Gregg (for Sununu) Amendment No. 2418, to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans and to reduce the amount appropriated for the Medicaid Integrity Program by \$1,000,000 for each of fiscal years 2007 through 2010. **Pages S12314–17**

Gregg (for Feinstein) Amendment No. 2411, to authorize the continued provision of certain adult day health care services or medical adult day care services under a State Medicaid plan. **Pages S12314–17**

Gregg (for Warner) Amendment No. 2413, to provide additional ProGAP assistance to certain students. **Pages S12314–17**

Baucus Amendment No. 2383, to exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations. **Pages S12317–18**

Gregg (for Levin) Amendment No. 2417, to establish an International Border Community Interoperable Communications Demonstration Project. **Page S12318**

Santorum Amendment No. 2419, to amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of such title. **Pages S12320–21**

Gregg (for Lieberman) Amendment No. 2380, to make minor changes to the quality measurement systems provisions with respect to value based purchasing under the medicare program. **Pages S12321–22**

Gregg (for Sununu/Allen) Amendment No. 2386, to ensure that amounts are not obligated out of the Digital Transition and Public Safety Fund until the proceeds of the auction are actually deposited by the FCC. **Pages S12321–22**

Gregg (for Sununu) Amendment No. 2420, to convert Digital Transition and Public Safety Fund program payment amounts into limitations. **Pages S12321–22**

Smith/Clinton Amendment No. 2390, to provide for a demonstration project regarding medicaid coverage of low-income HIV-infected individuals. **Page S12323**

Conrad/Salazar Amendment No. 2422, to ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas. **Pages S12325–26**

Rejected:

By 49 yeas to 50 nays (Vote No. 287), Nelson (FL) Amendment No. 2357, to hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise

occur because of the 2006 increase in payments under the physician fee schedule. **Pages S12302–03**

By 48 yeas to 51 nays (Vote No. 288), Cantwell Amendment No. 2358, to strike the title relating to the establishment of an oil and gas leasing program in the Coastal Plain. **Pages S12303–05**

By 30 yeas to 69 nays (Vote No. 293), McCain Amendment No. 2370, to move forward the date on which the transition to digital television is to occur. **Pages S12308–09**

By 14 yeas to 85 nays (Vote No. 295), Byrd Amendment No. 2367, to replace title VIII of the bill with an amendment to section 214(c) of the Immigration and Nationality Act to impose a fee on employers who hire certain nonimmigrants. **Pages S12310–11**

By 48 yeas to 51 nays (Vote No. 298), Cantwell Amendment No. 2400, to ensure the payment to the Treasury of the United States of 50 percent of revenues from oil and gas leasing and production on the Coastal Plain. **Pages S12313–14**

By 49 yeas to 50 nays (Vote No. 299), Schumer/Rockefeller Amendment No. 2348, to strike the provisions increasing the Medicaid rebate for generic drugs. **Pages S12318–19**

By 46 yeas to 52 nays (Vote No. 300), Reed Amendment No. 2409, to strike provisions relating to reforms of targeted case management. **Page S12321**

By 48 yeas to 51 nays (Vote No. 301), Reed Amendment No. 2396, to strike subtitle C of title II relating to FHA asset disposition. **Pages S12322–23**

Cornyn Amendment No. 2408, to eliminate the converter box subsidy program. **Page S12325**

Withdrawn:

Gregg (for Frist/Gregg) Amendment No. 2347, to provide amounts to address influenza and newly emerging pandemics. **Page S12286**

Ensign Amendment No. 2368, to cut \$2,000,000,000 from the convertor box subsidy program. **Page S12309**

Landrieu Amendment No. 2366, to provide funds for payments to producing States and coastal political subdivisions under the coastal impact assistance program. **Page S12310**

Hagel/Sununu Amendment No. 2391, to require Fannie Mae and Freddie Mac to register under the Securities Act of 1933. **Pages S12319–20**

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

By 50 yeas to 49 nays (Vote No. 283), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Conrad Amendment No. 2351, to fully reinstate the pay-as-you-go requirement through 2010. Subsequently, the

point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12291

By 31 yeas to 68 nays (Vote No. 284), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Ensign Amendment No. 2404 (to Amendment No. 2352, as modified), of a perfecting nature. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12294

By 48 yeas to 51 nays (Vote No. 285), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Lincoln Modified Amendment No. 2356, to provide emergency health care and other relief for survivors of Hurricane Katrina. Subsequently, the point of order that the amendment, was not germane, was sustained, and the amendment thus fell.

Pages S12295–S12302

By 32 yeas to 67 nays (Vote No. 286), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 306 of the Congressional Budget Act of 1974, as amended, with respect to Inhofe/Chambliss Amendment No. 2355, to cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year's level, beginning with fiscal year 2007. Subsequently, the point of order that the amendment contained matter within the jurisdiction of the Committee on the Budget, was sustained, and the amendment thus fell.

Page S12302

By 46 yeas to 53 nays (Vote No. 290), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Grassley Amendment No. 2359, to clarify certain payment limitations applicable to certain payments under title I of the Farm Security and Rural Investment Act of 2002 and section 1101 of the Agricultural Reconciliation Act of 2005 and to partially restore funding to programs reduced by sections 1101, 1201, and 1202 of the Agricultural Reconciliation Act of 2005. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Pages S12306–07

By 43 yeas to 56 nays (Vote No. 294), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Murray

Amendment No. 2372, to provide a 6-month transition period for coverage of prescription drugs under Medicaid for individuals whose drug coverage is to be moved to the Medicare prescription drug program. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Pages S12309–10

By 44 yeas to 55 nays (Vote No. 296), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 306 of the Congressional Budget Act of 1974, as amended, with respect to Byrd/Harkin Amendment No. 2414, to provide for the suspension of the debate limitation on reconciliation legislation that causes a deficit or increases the deficit. Subsequently, the point of order that the amendment contained matter within the jurisdiction of the Committee on the Budget, was sustained, and the amendment thus fell.

Pages S12312–13

By 43 yeas to 56 nays (Vote No. 297), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Lautenberg Amendment No. 2381, to require certification prior to beneficiary enrollment in a prescription drug plan or an MA–PD plan that has a gap in the coverage of prescription drugs under part D of title XVIII of the Social Security Act. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12313

By 51 yeas to 48 nays (Vote No. 302), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Snowe Amendment No. 2371, to amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Pages S12323–25

National Adoption Month: Senate agreed to S. Res. 299, to express support for the goal of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

Page S12372

Honoring Henry Giugni: Senate agreed to S. Res. 300, relative to the death of Henry Kuʻualoha Giugni, former Sergeant-at-Arms of the United States Senate.

Pages S12372–73

Agriculture Appropriations Conference Report: By 81 yeas to 18 nays (Vote No. 282), Senate agreed

to the conference report to accompany H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, clearing the measure for the President.

Pages S12287–91

National Defense Authorization—Agreement: A unanimous-consent agreement was reached providing for further consideration 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 at 9:30 a.m. on Friday, November 4, 2005, pursuant to the order of Wednesday, October 26, 2005; provided further, that on Friday, November 4, 2005, and Monday, November 7, 2005, amendments may be offered, debated, and then set aside with the time reserved for use at a later time.

Page S12373

Messages From the House: Page S12352

Measures Read First Time: Page S12352

Executive Communications: Pages S12352–53

Executive Reports of Committees: Page S12353

Additional Cosponsors: Pages S12354–55

Statements on Introduced Bills/Resolutions:
Pages S12355–59

Additional Statements: Pages S12350–52

Amendments Submitted: Pages S12359–71

Authorities for Committees to Meet: Page S12371

Privileges of the Floor: Page S12371

Record Votes: Twenty-two record votes were taken today. (Total—303) Pages S12290–91, S12291, S12294, S12301–02, S12302, S12303, S12305, S12306, S12307, S12308, S12309, S12310–11, S12313, S12314, S12319, S12321, S12323, S12325, S12345

Adjournment: Senate convened at 9 a.m., and as a further mark of respect to the memory of the late Henry Ku'uialoha Giugni, in accordance with S. Res. 300, adjourned at 6:40 p.m., until 9:30 a.m., on Fri-

day, November 4, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S12373–74.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Matthew Slaughter, of New Hampshire, and Katherine Baicker, of New Hampshire, each to be a Member of the Council of Economic Advisers, Orlando J. Cabrera, of Florida, to be Assistant Secretary of Housing and Urban Development, and Gigi Hyland, of Virginia, and Rodney E. Hood, of North Carolina, each to be a Member of the National Credit Union Administration Board.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment;

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute; and

The nominations of Wan J. Kim, of Maryland, to be Assistant Attorney General, Civil Rights Division, Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, Sue Ellen Wooldridge, of Virginia, to be Assistant Attorney General, Environment and Natural Resources Division, and Thomas O. Barnett, of Virginia, to be Assistant Attorney General, Antitrust Division, all of the Department of Justice.

Also, Committee began consideration of H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, but did not complete action thereon, and recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4217–4229; 1 private bill, H.R.

4230; and 2 resolutions, H. Res. 531, 533, were introduced. Pages H9640–41

Additional Cosponsors: Pages H9641–42

Reports Filed: Reports were filed today as follows: