

Daily Digest

HIGHLIGHTS

Senate passed S. 2020, Tax Relief Act.

The House agreed to H.J. Res. 72, Making Further Continuing Appropriations for the Fiscal Year 2006;

The House failed to agree to the Conference Report on H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006; and

The House passed H.R. 4241, Deficit Reduction Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S13147–S13282

Measures Introduced: Twenty-four bills and four resolutions were introduced, as follows: S. 2028–2051, S. Res. 318–319, and S. Con. Res. 65–66. **Pages S13160–61**

Measures Reported:

S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, with amendments. (S. Rept. No. 109–182)

S. 2029, to amend and enhance certain maritime programs of the Department of Transportation. (S. Rept. No. 109–183)

S. 1354, to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1614, to extend the authorization of programs under the Higher Education Act of 1965, with an amendment in the nature of a substitute.

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, with an amendment in the nature of a substitute.

S. 1961, to extend and expand the Child Safety Pilot Program.

S. 2006, to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects, with amendments.

S. 2032, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security. **Page S13160**

Measures Passed:

Housing and Service Needs of Seniors: Senate passed S. 705, to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, after agreeing to the committee amendment in the nature of a substitute. **Pages S13253–60**

Tax Relief Act: By 64 yeas to 33 nays (Vote No. 347), Senate passed S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006, after taking action on the following amendments proposed thereto: **Pages S13072–S13145**

Adopted:

Grassley/Baucus Modified Amendment No. 2647, to provide an extension and increase in minimum tax relief to individuals. **Pages S13113–14**

Obama Amendment No. 2605, expressing the sense of the Senate that the Federal Emergency Management Agency should immediately address issues relating to no-bid contracting. **Pages S13090–92, S13124**

Nelson (NE)/DeWine Amendment No. 2625, to require the Secretary of the Treasury to establish a disability preference program for qualified tax collection contracts. **Pages S13120–21, S13130**

Dayton Amendment No. 2658, to provide valuation of employee personal use of noncommercial aircraft. **Page S13134**

Landrieu/Vitter Amendment No. 2669, to provide housing relief for individuals affected by Hurricane Katrina. **Pages S13134–35**

Craig/Rockefeller Amendment No. 2655, to express the sense of Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round. **Pages S13135–36**

Grassley/Baucus Amendment No. 2670, to make certain improvements to the bill. **Page S13137**

Rejected:

Baucus (for Reid) Modified Amendment No. 2653, to amend the Internal Revenue Code of 1986 to extend through 2010 certain tax incentives for renewable energy production and energy efficient building construction. **Pages S13118–19, S13126, S13128**

Bingaman/Kerry Amendment No. 2642, to provide for a tax credit for offering employer-based health insurance coverage. **Pages S13120, S13129**

Durbin Amendment No. 2623, to reduce the tax on Patriot employers. **Pages S13120, S13129–30**

Snowe Amendment No. 2667, to impose withholding on certain payments made by government entities and to use the revenues collected to fund programs under the Low-Income Home Energy Assistance Act of 1981 through a trust fund. **Pages S13136–37**

Withdrawn:

Lincoln Amendment No. 2652, to modify the income threshold used to calculate the refundable portion of the child tax credit. **Pages S13127–28**

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

By 44 yeas to 55 nays (Vote No. 330), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Conrad Amendment No. 2602, in the nature of a substitute. Subsequently, the Chair sustained a point of order that Conrad Amendment No. 2602, was not germane, and the amendment thus fell. **Pages S13072–80**

By 35 yeas to 64 nays (Vote No. 331), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Dorgan Amendment No. 2587, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer. Subsequently, the Chair sustained a point of order that Dorgan Amendment No. 2587, was not germane, and the amendment thus fell. **Pages S13101–02**

By 48 yeas to 51 nays (Vote No. 332), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feinstein Amendment No. 2609, to repeal certain tax benefits, relating to oil and gas wells intangible drilling and development costs. Subsequently, the Chair sustained a point of order that Feinstein Amendment No. 2609, was not germane, and the amendment thus fell. **Pages S13081–85, S13102**

By 40 yeas to 59 nays (Vote No. 333), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feinstein/Kerry Amendment No. 2610, to reinstate for millionaires a top individual income tax rate of 39.6 percent, the pre-May 2003 rates of tax on capital gains and dividends, and to repeal the reduction and termination of the phase out of personal exemptions and overall limitation on itemized deductions, until the Federal budget deficit is eliminated. Subsequently, the Chair sustained a point of order that Feinstein Amendment No. 2610, was not germane, and the amendment thus fell. **Pages S13081–85, S13089–90, S13102–03**

By 57 yeas to 42 nays (Vote No. 334), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Cantwell Amendment No. 2612, to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies. Subsequently, the Chair sustained a point of order that Cantwell Amendment No. 2612, was not germane, and the amendment thus fell. **Pages S13085–89, S13103–04**

By 51 yeas to 47 nays (Vote No. 335), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Lott Amendment No. 2633, to clarify treatment of outside income and expenses in the Senate. Subsequently, the Chair sustained a point of order that Lott Amendment No. 2633, was not germane, and the amendment thus fell. **Pages S13104–13, S13114–15, S13123**

By 53 yeas to 45 nays (Vote No. 336), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 313 (b)(1)(A) of the Congressional Budget Act of 1974, with respect to Grassley Amendment No. 2654, to express the sense of the Senate. Subsequently, the Chair sustained the point

of order that the amendment was in violation of the Byrd Rule, and the amendment thus fell.

Pages S13123–24

By 43 yeas to 55 nays (Vote No. 337), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Durbin Amendment No. 2596, to express the sense of the Senate concerning the provision of health care for children before providing tax cuts for the wealthy. Subsequently, the Chair sustained a point of order that Durbin Amendment No. 2596, was not germane, and the amendment thus fell. **Page S13124**

By 36 yeas to 62 nays (Vote No. 338), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Kennedy/Landrieu Amendment No. 2588, to eliminate child poverty. Subsequently, the Chair sustained the point of order that Kennedy/Landrieu Amendment No. 2588, was not germane, and the amendment thus fell. **Pages S13092–95, S13124–25**

By 50 yeas to 48 nays (Vote No. 339), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Reed Amendment No. 2626, to impose a temporary windfall profits tax on crude oil and to use the proceeds of the tax collected to fund programs under the Low-Income Energy Assistance Act of 1981 through a trust fund. Subsequently, the Chair sustained a point of order that Reed Amendment No. 2626, was not germane, and the amendment thus fell. **Pages S13097–S13101, S13125–26**

By 50 yeas to 48 nays (Vote No. 340), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feingold Amendment No. 2650, to fully reinstate the pay-as-you-go requirement through 2010. Subsequently, the Chair sustained the point of order that Feingold Amendment No. 2650 was not germane, and the amendment thus fell. **Pages S13115–16, S13121–22, S13126–27**

Chair sustained a point of order against Sununu Amendment No. 2651, to repeal State and local taxation exemptions applicable to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, as being in violation of sections 305(b) and 310(e) of the Congressional Budget Act of 1974, and the amendment thus fell. **Page S13116, S13127**

By 33 yeas to 65 nays (Vote No. 341), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 2635, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds of the tax collected to provide a nonrefundable tax credit of \$100 for every personal exemption claimed for taxable years beginning in 2005. Subsequently, the Chair sustained the point of order that Schumer Amendment No. 2635 was not germane, and the amendment thus fell. **Pages S13116–18, S13122, S13128**

By 51 yeas to 47 nays (Vote No. 342), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Nelson (FL) Amendment No. 2601, to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006. Subsequently, the Chair sustained the point of order that Nelson (FL) Amendment No. 2601, was not germane, and the amendment thus fell. **Pages S13119, S13128–29**

By 43 yeas to 55 nays (Vote No. 343), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Boxer Amendment No. 2634, to provide an additional \$500,000,000 for each of fiscal years 2006 through 2010, to be used for readjustment counseling, related mental health services, and treatment and rehabilitative services for veterans with mental illness, post-traumatic stress disorder, or substance use disorder. Subsequently, the Chair sustained the point of order that Boxer Amendment No. 2634, was not germane, and the amendment thus fell. **Pages S13130–31**

By 55 yeas to 43 nays (Vote No. 344), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive under section 305(b) of the Congressional Budget Act of 1974, with respect to Kerry/Obama Amendment No. 2616, to accelerate marriage penalty relief for the earned income tax credit, to extend the election to include combat pay in earned income, and to make modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004. Subsequently, the Chair sustained the point of order that Kerry/Obama Amendment No. 2616 was not germane, and the amendment thus fell. **Pages S13131–32**

By 47 yeas to 51 nays (Vote No. 345), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Dayton Amendment No. 2629, to allow a refundable tax credit for the energy costs of farmers and ranchers, and to modify the foreign tax credit rules applicable to dual capacity taxpayers. Subsequently, the Chair sustained the point of order that Dayton Amendment No. 2629 was not germane, and the amendment thus fell. **Pages S13132–33**

By 42 yeas to 56 nays (Vote No. 346), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Harkin/Obama Amendment No. 2665, to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions and to modify the income threshold used to calculate the refundable portion of the child tax credit. Subsequently, the Chair sustained the point of order that Harkin/Obama Amendment No. 2665, was not germane, and the amendment thus fell. **Pages S13133–34**

Wired For Health Care Quality Act: Senate passed S. 1418, to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S13260–77**

Frist (for Enzi) Amendment No. 2671, in the nature of a substitute. **Page S13271**

Terrorism Risk Insurance Extension Act: Senate passed S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S13277–82**

Frist (for Shelby) Amendment No. 2600, to make a modification. **Page S13282**

U.S.S. Carl Vinson: Senate passed H.R. 4326, to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70), clearing the measure for the President. **Page S13282**

Continuing Resolution—Agreement: A unanimous-consent agreement was reached providing that on Friday, November 18, 2005, Senate begin consideration of H.J. Res. 72, making further continuing appropriations for the fiscal year 2006; that Senator Harkin be recognized to offer an amendment rel-

evant to CSBG, and that there be 20 minutes of debate on the amendment; that following the use or yielding back of time, Senate vote on or in relation to the amendment, to be followed by a vote on final passage of the resolution. **Page S13260**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24);

Convention Strengthening Inter-American Tuna Commission (Treaty Doc. 109–2); and

Convention Concerning Migratory Fish Stock in the Pacific Ocean (Treaty Doc. 109–1). **Page S13282**

Nominations Received: Senate received the following nominations:

Dennis Bottorff, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

Howard A. Thraikill, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term prescribed by law.

Pages S13146, S13282

Messages From the House: **Page S13158**

Measures Referred: **Page S13158**

Enrolled Bills Presented: **Page S13158**

Executive Communications: **Pages S13159–60**

Executive Reports of Committee: **Page S13160**

Additional Cosponsors: **Pages S13161–62**

Statements on Introduced Bills/Resolutions: **Pages S13162–85**

Additional Statements: **Pages S13156–58**

Amendments Submitted: **Pages S13185–S13252**

Notices of Hearings/Meetings: **Page S13252**

Authorities for Committees to Meet: **Pages S13252–53**

Privileges of the Floor: **Page S13253**

Record Votes: Eighteen record votes were taken today. (Total—347)

Pages S13080, S13101-04, S13123-29, S13131-34, S13145

Recess: Senate convened at 9:30 a.m., and recessed at 12:58 a.m., on Friday, November 17, 2005 and will reconvene at 8:15 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13146.)

Committee Meetings

(Committees not listed did not meet)

AVIAN INFLUENZA

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the role of United States agriculture in the control and eradication of avian influenza, focusing on the healthcare system, antiviral drugs, and enhancement of quarantine stations, after receiving testimony from Ron DeHaven, Administrator, Animal and Plant Health Inspection Service, Department of Agriculture; Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Donald Waldrip, Wayne Farms, LLC, Oakwood, Georgia, on behalf of the National Chicken Council; S.H. Kleven, University of Georgia College of Veterinary Medicine Poultry Diagnostic and Research Center, Athens; Gretta Irwin, Iowa Turkey Federation, Ames, on behalf of the National Turkey Federation.

FINANCIAL PRODUCT SALES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine a Government Accountability Office report on the sale of financial products to military personnel, focusing on actions needed to protect military members, after receiving testimony from Richard J. Hillman, Managing Director, Financial Markets and Community Investment, Government Accountability Office; John M. Molino, Deputy Under Secretary of Defense for Military Community and Family Policy; Lori Richards, Director, Office of Compliance Inspections and Examinations, U.S. Securities and Exchange Commission; John Oxendine, Georgia Commissioner of Insurance, Atlanta; and Mary Schapiro, National Association of Securities Dealers, Washington, D.C.

AVIATION SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine the Federal Aviation Administration's efforts to maintain a high level of safety through a safety oversight system, after receiving testimony from Marion Blakey, Administrator, Federal Aviation Administra-

tion, and Kenneth Mead, Inspector General, both of the Department of Transportation; John S. Carr, National Air Traffic Controllers Association, Basil J. Barimo, Air Transport Association of America, Inc., and Robert Roach, Jr., International Association of Machinists and Aerospace Workers, all of Washington, D.C.; and Christian A. Klein, Aeronautical Repair Station Association, Alexandria, Virginia.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1110, to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable, proposed Polar Bear Treaty, with amendments;

S. 2013, to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population;

S. 1052, to improve transportation security, with an amendment in the nature of a substitute;

S. 65, to amend the age restrictions for pilots, with an amendment in the nature of a substitute;

S. 1102, to extend the aviation war risk insurance program for 3 years;

S. 517, to establish a Weather Modification Operations and Research Board, with an amendment in the nature of a substitute;

S. 687, to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, with an amendment in the nature of a substitute; and

The nominations of William E. Kovacic, of Virginia, J. Thomas Rosch, of California, each to be a Federal Trade Commissioner, and a Coast Guard Promotion List.

BUSINESS MEETING

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

S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, with an amendment;

S. 1165, to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, with an amendment;

S. 2006, to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects, with an amendment;

S. 1708, to modify requirements relating to the authority of the Administrator of General Services to