

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1077–S1133

Measures Introduced: One and two resolutions were introduced, as follows: S. 2277, and S.J. Res. 29–30. **Page S1129**

Fairness in Asbestos Injury Resolution Act: Senate resumed consideration of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, taking action on the following amendments proposed thereto: **Pages S1121–22**

Pending:

Frist (for Specter/Leahy) Amendment No. 2746, in the nature of a substitute. **Page S1121**

Specter Modified Amendment No. 2747 (to Amendment No. 2746), to provide guidelines in determining which defendant participants may receive inequity adjustments the Administrator shall give preference. **Page S1121**

Kyl Amendment No. 2754 (to Amendment No. 2746), to reduce the impact of the trust fund on smaller companies and to expand hardship adjustments. **Page S1121**

Ensign point of order that the pending bill and the pending amendment in the nature of a substitute (Frist (for Specter/Leahy) Amendment No. 2746 (listed above) violate section 407 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006. **Page S1121**

Specter motion to waive the point of order (listed above). **Page S1121**

A motion was entered to close further debate on Frist (for Specter/Leahy) Amendment No. 2746, in the nature of a substitute and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, February 15, 2006. **Pages S1121–22**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, February 15, 2006. **Page S1122**

Senate will continue consideration of the bill on Tuesday, February 14, 2006. **Page S1122**

Tax Relief Extension Reconciliation Act Motions to Instruct Conferees: Senate began consideration of the message of the House of Representatives to accompany H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, insisting on its amendment, agreeing to the request of the House for a conference, and taking action on the following motions to instruct conferees proposed thereto:

Pages S1079–S1121

Adopted:

By a unanimous vote of 92 yeas (Vote No.14), Grassley Motion to Instruct Conferees to insist that the final conference report include funding to support the health needs of America's veterans and military personnel contained in section 315 of the Senate amendment and the funding to strengthen America's military contained in title VI of the Senate amendment. **Page S1121**

Rejected:

By 40 yeas to 53 nays (Vote No. 15), Dodd Motion to Instruct Conferees to insist that the final conference report include funding to support the health needs of America's veterans and military personnel contained in section 315 of the Senate amendment instead of any extension of the tax breaks for capital gains and dividends for individuals with annual incomes greater than \$1,000,000. **Page S1121**

Pending:

Kennedy Motion to Instruct Conferees to reject the extension of the capital gains and dividends rate reduction contained in section 203 of the bill as passed by the House of Representatives. **Pages S1083–90**

Reed Motion to Instruct Conferees to insist that the final conference report include funding to strengthen America's military contained in title VI of the Senate amendment instead of any extension of the tax cuts for capital gains and dividends, which does not expire until 2009, contained in section 203 of the bill as passed by the House of Representatives. **Pages S1094–S1105**

Wyden Motion to Instruct Conferees to insist that the final conference report include a provision that

repeals accelerated depreciation for geologic and geophysical costs for oil and gas exploration by the 5 major oil companies. **Pages S1105–07**

Obama Motion to Instruct Conferees to insist that the final conference report include tax relief for the most vulnerable members of our society, including the low-income victims of Hurricane Katrina and children in families that are too poor to benefit fully from the refundable child tax credit. **Pages S1107–10**

Hatch Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities (based on section 108 of the amendment passed by the Senate), in order to improve American competitiveness. **Pages S1110–13**

DeWine Motion to Instruct Conferees to insist that the final conference report accept the veterans' mortgage bonds expansion provisions contained in section 303 of the bill as passed by the House of Representatives with such revisions as are necessary to provide veterans in all 50 States with access to lower-rate mortgages. **Page S1113**

Reid (for Menendez) Motion to Instruct Conferees to insist that the final conference report include the Senate passed "hold-harmless" relief from the individual alternative minimum tax (AMT) in 2006, and does not include the extension of lower tax rates on capital gains and dividends. **Pages S1113–15**

Stabenow Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities, and to reject any extension of the tax rate for capital gains and dividends which does not expire until 2009. **Pages S1115–16**

Grassley Motion to Instruct Conferees to insist that the final conference report include the "hold-harmless" relief from the individual alternative minimum tax in 2006 (sections 106 and 107 of the amendment passed by the Senate) to protect middle class families and includes an extension of lower tax rates on capital gains and dividends (based on section 203 of the bill passed by the House of Representatives) to protect tax cuts for middle class families. **Pages S1116–17**

Grassley (for Lott) Motion to Instruct Conferees to insist that the final conference report include the repeal of the individual alternative minimum tax (based on sections 106 and 107 of the amendment passed by the Senate). **Page S1117**

Grassley (for Hutchison) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the election to deduct State and local general sales taxes (based on section 105 of the amendment passed by the Senate). **Page S1117**

Grassley (for Santorum) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the above-the-line deduction for tuition and fees (based on section 103 of the amendment passed by the Senate). **Pages S1117–18**

Grassley Motion to Instruct Conferees to insist that the final conference report ensure that in 2009 and 2010, the international competitiveness of the United States in attracting capital investment, and therefore job creation, is not weakened further by a higher combined corporate and individual income tax rate on corporate and capital income as a result of a higher dividend tax rate. **Page S1118**

Grassley (for Talent/Snow/Lincoln) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003. **Page S1118**

Lautenberg Motion to Instruct Conferees to insist that the final conference report does not increase the national debt of the United States. **Pages S1118–19**

Schumer Motion to Instruct Conferees to insist that the final conference report include the Senate-passed provision to extend the above-the-line deduction for tuition and fees through December 31, 2009 (section 103), before it includes the House-passed extension of lower tax rates on capital gains and dividends (section 203), given budget constraints, noting that a conference report which maintains the tuition deduction will provide needed tax relief to more than 4,000,000 American families each year that are struggling to keep pace with rising tuition costs. **Pages S1119–20**

A unanimous-consent agreement was reached providing that on Tuesday, February 14, 2006, at 9:45 a.m., Senate continue consideration of the House message to accompany H.R. 4297, that the only motions to instruct be those that are currently pending and that no other motions be in order; further, that no amendments be in order to the motions; provided further, that all remaining debate time under the statute be considered as having expired; further, that when the Senate begins to vote in relation to the motions, the Republican alternative amendments occur prior to the votes in relation to the Democratic amendments; provided further, that prior to the vote on Grassley motion and Kennedy motion on capital gains/dividend, there be 2 minutes per side for debate; further, that debate before all other votes be limited to 2 minutes equally divided and all votes after the first vote in the sequence be limited to 10 minutes each. **Page S1133**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Economic Report of the President dated February 2006 with the Annual Report of the Council of Economic Advisers for 2006; which was referred to the Joint Economic Committee. (PM-39). **Pages S1127-28**

Appointments:

National Surface Transportation Policy and Revenue Study Commission: The Chair, on behalf of the Majority Leader, pursuant to Public Law 109-59, appointed the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission: Paul Weyrich of Virginia, and Patrick E. Quinn of Tennessee. **Page S1133**

Nominations Received: Senate received the following nominations:

James Lambright, of Missouri, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy (Nuclear Energy).

Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics for a term of five years.

Donald J. DeGabrielle, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years. **Page S1133**

Measures Placed on Calendar: **Pages S1128, S1133**

Executive Communications: **Pages S1128-29**

Additional Cosponsors: **Pages S1129-30**

Statements on Introduced Bills/Resolutions: **Pages S1130-32**

Additional Statements: **Pages S1126-27**

Notices of Hearings/Meetings: **Page S1132**

Authorities for Committees to Meet: **Pages S1132-33**

Privileges of the Floor: **Page S1133**

Record Votes: Two record votes were taken today. (Total—15). **Page S1121**

Adjournment: Senate convened at 12 noon, and adjourned at 9:58 p.m., until 9:45 a.m., on Tuesday, February 14, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1133.)

Committee Meetings

(Committees not listed did not meet)

HURRICANE KATRINA

Committee on Homeland Security and Governmental Affairs: Committee held a hearing to examine Hurricane Katrina response issues, focusing on waste, fraud, and abuse during the disaster, expedited assistance for victims of Hurricanes Katrina and Rita, and oversight of sheltering initiatives, receiving testimony from Gregory D. Kutz, Managing Director, and John J. Ryan, Special Agent, both of Forensic Audits and Special Investigations, Government Accountability Office; Richard L. Skinner, Inspector General, Department of Homeland Security; and Alice S. Fisher, Assistant Attorney General, Criminal Division, and Chairman, Hurricane Katrina Fraud Task Force, Department of Justice.

Committee will meet again on Tuesday, February 14.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, February 14, 2006.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 62)

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). Signed on February 8, 2006. (Public Law 109-171)