

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3043, Labor/HHS/Education Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S13205–S13271

Measures Introduced: Six bills were introduced, as follows: S. 2216–2221. **Page S13261**

Measures Reported:

S. 1845, to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, with an amendment in the nature of a substitute. (S. Rept. No. 110–203) **Page S13261**

Measures Passed:

Labor/HHS/Education Appropriations Act: By 75 yeas to 19 nays (Vote No. 391), Senate passed H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, after taking action on the following amendments proposed thereto:

Pages S13206–18, S13218–42

Adopted:

Roberts Amendment No. 3365 (to Amendment No. 3325), to fund the small business child care grant program. **Pages S13206, S13209–10**

By 65 yeas to 28 nays (Vote No. 383), Enzi Amendment No. 3437 (to Amendment No. 3325), to prohibit the use of funds to modify certain HIV/AIDS funding formulas. **Pages S13206–09, S13214–15**

Harkin (for Smith) Modified Amendment No. 3351 (to Amendment No. 3325), to provide funds for programs under the Older Americans Act of 1965, for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals and inflation, for congregate and home-delivered nutrition services to help account for increased gas and food costs, and for the National Family Caregiver Support Program to fund the program at the level authorized for that program, for fiscal year 2008.

Pages S13216–17

Harkin (for Smith/Biden) Modified Amendment No. 3376 (to Amendment No. 3325), to provide funding for the National Violent Death Reporting System within the Centers for Disease Control and Prevention. **Pages S13216–17**

Harkin (for Lautenberg) Amendment No. 3397 (to Amendment No. 3325), to require the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare and Medicaid Services, to submit a report to the Committee on Appropriations of the Senate on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act. **Pages S13216–17**

Harkin (for Cardin) Amendment No. 3401 (to Amendment No. 3325), to express the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare program for clinical trials that are federally funded or reviewed as provided for by the Executive Memorandum of June 2000. **Pages S13216–17**

Harkin (for Feingold) Modified Amendment No. 3430 (to Amendment No. 3325), to require the Comptroller General of the United States to submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments. (Subsequent to its adoption, the amendment was further modified.) **Pages S13216–17**

Harkin (for Hatch) Amendment No. 3436 (to Amendment No. 3325), to assess the impact of education funding in western states with a high proportion of public lands. **Pages S13216–17**

Harkin (for Lieberman/Dodd) Amendment No. 3418 (to Amendment No. 3325), to prohibit the use of funds to close a field office of the Social Security Administration before submission of a report justifying the closure. **Pages S13216–17**

Harkin (for DeMint) Amendment No. 3388 (to Amendment No. 3325), to prohibit the use of funds

by cities that provide safe havens to illegal drug users. **Pages S13216–17**

Kerry Amendment No. 3398 (to Amendment No. 3325), to provide funding for the Fire Fighter Fatality Investigation and Prevention Program. **Pages S13217–18**

Harkin (for Hatch/Bennett) Modified Amendment No. 3443 (to Amendment No. 3325), to provide for a study on retreat room and pillar mining practices. **Page S13224**

Harkin (for Kennedy) Modified Amendment No. 3433 (to Amendment No. 3325), to require the Secretary of Education to negotiate or renegotiate a voluntary flexible agreement so that the agreement is cost neutral. **Page S13225**

By a unanimous vote of 92 yeas (Vote No. 386), Cardin Amendment No. 3400 (to Amendment No. 3325), to provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program. **Pages S13206, S13225**

By 91 yeas to 3 nays (Vote No. 387), Ensign Amendment No. 3342 (to Amendment No. 3325), to prohibit the use of funds to administer Society Security benefit payments under a totalization agreement with Mexico. **Pages S13206, S13222–23, S13225–26**

By 92 yeas to 2 nays (Vote No. 388), Ensign Amendment No. 3352 (to Amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits. **Pages S13206, S13223, S13226**

Vitter Modified Amendment No. 3328 (to Amendment No. 3325), of a perfecting nature. **Pages S13206, S13226–27**

By 88 yeas to 6 nays (Vote No. 389), Bingaman Modified Amendment No. 3440 (to Amendment No. 3325), of a perfecting nature. **Page S13227**

Grassley/Sanders Modified Amendment No. 3396 (to Amendment No. 3325), to invest in innovation and education to improve the competitiveness of the United States in the global economy. **Pages S13227–29**

Harkin (for Durbin) Amendment No. 3449 (to Amendment No. 3404), to increase the number of nursing faculty and students in the United States, to encourage global health care cooperation. **Pages S13229–30**

Harkin (for Schumer/Hutchison) Amendment No. 3404 (to Amendment No. 3325), to increase the domestic supply of nurses and physical therapists. **Pages S13229–30**

Harkin (for DeMint) Amendment No. 3450 (to Amendment No. 3325), to prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense. **Page S13230**

Harkin/Specter Amendment No. 3325, in the nature of a substitute. **Pages S13206–18, S13218–41**

Rejected:

Coburn Amendment No. 3358 (to Amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects. (By 68 yeas to 26 nays (Vote No. 384), Senate tabled the amendment). **Pages S13206, S13212–14, S13215**

DeMint Amendment No. 3387 (to Amendment No. 3325), to replace non-competitive earmarks for the AFL–CIO with competitive grants. (By 60 yeas to 34 nays (Vote No. 385), Senate tabled the amendment). **Pages S13210–12, S13215–16**

By 40 yeas to 54 nays (Vote No. 390), McConnell/Lott motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not to exceed the amount, one hundred forty billion, nine hundred twenty million dollars (\$140,920,000,000), recommended in the President's budget submitted to Congress for Fiscal Year 2008. **Pages S13230–32**

Withdrawn:

Lautenberg/Snowe Amendment No. 3350 (to Amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate. **Pages S13206, S13217**

Landrieu Amendment No. 3446 (to Amendment No. 3325), relative to the Elementary and Secondary School Counseling program. **Pages S13206, S13217**

Dorgan Amendment No. 3345 (to Amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement. **Pages S13206, S13224**

Chambliss Modified Amendment No. 3391 (to Amendment No. 3325), to provide for a declaration of a public health emergency with respect to Sumter County, Georgia. **Pages S13206, S13230**

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 Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Byrd, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, Shelby, and Domenici. **Pages S13224, S13242**

DREAM Act—Agreement: A unanimous-consent agreement was reached providing that on Wednesday, October 24, 2007, following disposition of the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Senate resume consideration of the motion to proceed to consideration of S. 2205, to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United

States as children, provided that there be 20 minutes of debate equally divided between the Majority and Republican Leaders, or their designees, prior to the vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S13224**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocol of Amendments to Convention on International Hydrographic Organization (Treaty Doc. No. 110-9).

The treaty was 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 S13270**

Southwick Nomination—Agreement: Senate began consideration of the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit. **Pages S13242-54**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Tuesday, October 23, 2007, a vote on cloture will occur at 11:00 a.m., on Wednesday, October 24, 2007. **Page S13242**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 9:00 a.m., on Wednesday, October 24, 2007, with 2 hours of debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees, that the time from 10:40 a.m. until 11:00 a.m. be divided and controlled by the Majority and Republican Leaders, that the Majority Leader control the final 10 minutes, and Senate then vote on the motion to invoke cloture thereon, and that if cloture is invoked Senate then vote immediately on confirmation of the nomination; provided further, that if cloture is not invoked on the nomination, the nomination be returned to the calendar. **Page S13270**

Nominations Received: Senate received the following nominations:

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration for the term of five years.

Routine lists in the Foreign Service.

Pages S13270-71

Messages from the House: **Pages S13257-58**

Measures Referred: **Page S13258**

Measures Placed on the Calendar: **Page S13258**

Measures Read the First Time: **Page S13258**

Petitions and Memorials: **Pages S13258-61**

Additional Cosponsors: **Pages S13261-63**

Statements on Introduced Bills/Resolutions: **Pages S13263-67**

Amendments Submitted: **Pages S13267-69**

Authorities for Committees to Meet: **Pages S13269-70**

Record Votes: Nine record votes were taken today. (Total—391)

Pages S13215, S13216, S13225, S13226, S13227, S13232, S13242

Adjournment: Senate convened at 10 a.m. and adjourned at 9:28 p.m., until 9 a.m. on Wednesday, October 24, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13270.)

Committee Meetings

(Committees not listed did not meet)

RAILROAD REGULATION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded an oversight hearing to examine the Surface Transportation Board and regulation related to railroads, focusing on recent changes that have occurred in railroad rates and how those changes compare to changes in rail rates since 1985, the extent of captivity in the industry and Surface Transportation Board (STB) efforts to protect captive shippers, and STB actions to address Government Accountability Office (GAO) recent recommendations, including S. 953, to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes, and S. 772, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, after receiving testimony from Charles D. Nottingham, Chairman, Surface Transportation Board, Department of Transportation; Jayetta Z. Hecker, Director, Physical Infrastructure Issues, GAO; Charles W. Moorman, Norfolk Southern Corporation, Norfolk, Virginia, on behalf of the Association of American Railroads; David J. McGregor, BASF Corporation, Florham Park, New Jersey; John B. Ficker, National Industrial Transportation League, and Glenn English, National Rural Electric Cooperative Association, both of Arlington, Virginia; and Robert Carlson, North Dakota Farmers