

# Daily Digest

## HIGHLIGHTS

Senate agreed to H. Con. Res. 293, Adjournment Resolution.

## Senate

### Chamber Action

*Routine Proceedings, pages S993–S1086*

**Measures Introduced:** Eighteen bills and four resolutions were introduced, as follows: S. 2637–2654, and S. Res. 454–457. **Pages S1054–55**

#### Measures Passed:

***K.T. Safety Act:*** Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 1216, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and the bill was then passed, clearing the measure for the President. **Page S1083**

***United States and the Republic of Korea:*** Committee on Foreign Relations was discharged from further consideration of S. Res. 444, expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S1083**

Reid (for Biden) Amendment No. 4084, to modify the description of the economic relationship between the United States and the Republic of Korea. **Page S1083**

***NATO Membership Action Plan with Georgia and Ukraine:*** Senate agreed to S. Res. 439, expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine. **Pages S1083–84**

***Chinese New Year:*** Senate agreed to S. Res. 457, recognizing the cultural and historical significance of the Chinese New Year or Spring Festival. **Pages S1084–85**

***Adjournment Resolution:*** Senate agreed to H. Con. Res. 293, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S1085**

#### Measures Considered:

***Indian Health Care Improvement Act Amendments:*** Senate continued consideration of S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act, taking action on the following amendments proposed thereto: **Pages S993–S1046**

#### Adopted:

By a unanimous vote of 95 yeas (Vote No. 24), Dorgan/Murkowski Amendment No. 4082 (to Amendment No. 3899), of a perfecting nature. **Pages S1025–26**

By a unanimous vote of 94 yeas (Vote No. 27), Coburn Amendment No. 4032 (to Amendment No. 3899), to protect rape and sexual assault victims from HIV/AIDS and other sexually transmitted diseases. **Pages S996, S997, S1028, S1032–33**

Brownback Modified Amendment No. 3893 (to Amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States. **Pages S994, S1037–38**

Mikulski Amendment No. 4023 (to Amendment No. 3899), to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services. **Pages S1008–13, S1038**

Murkowski (for Martinez) Modified Amendment No. 3906 (to Amendment No. 3899), to amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program. **Pages S1013–26, S1040**

Bingaman/Thune Amendment No. 4083 (to Amendment No. 3899), to require the Comptroller

General of the United States to conduct a study on payments for contract health services. **Page S1040**

Barrasso Amendment No. 3898 (to Amendment No. 3899), to require the Comptroller General to report on the effectiveness of coordination of health care services provided to Indians using Federal, State, local, and tribal funds. **Pages S994, S1040**

Dorgan (for Coburn) Modified Amendment No. 4078 (to Amendment No. 3899), to determine the factors leading to significant tobacco-related disease and disproportionate health effects on tribal populations. **Page S1040**

Coburn Amendment No. 4029 (to Amendment No. 3899), to require a study of membership criteria for federally recognized Indian tribes. **Pages S992, S997, S1040**

Murkowski (for Vitter) Amendment No. 4038 (to Amendment No. 3899), of a perfecting nature. **Pages S1030–32**

Rejected:

By 28 yeas to 67 nays (Vote No. 25), Coburn Amendment No. 4034 (to Amendment No. 3899), to allow tribal members to make their own health care choices. **Pages S996, S998, S1020–22, S1026–27**

By 21 yeas to 73 nays (Vote No. 26), Coburn Amendment No. 4036 (to Amendment No. 3899), to prioritize scarce resources to basic medical services for Indians. **Pages S996, S998, S1027–30, S1032**

Withdrawn:

Bingaman/Thune Amendment No. 3894 (to Amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers. **Pages S993, S1010**

Sanders Amendment No. 3900 (to Amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981. **Pages S994, S1013**

Coburn Amendment No. 4024 (to Amendment No. 3899), to ensure that tribal members receive scientifically effective health promotion services. **Pages S996, S997, S1040**

Coburn Amendment No. 4025 (to Amendment No. 3899), to clarify the absence of authorization of racial preference in employment. **Pages S996, S997, S1040**

Coburn Amendment No. 4026 (to Amendment No. 3899), to modify a provision relating to child sexual abuse and prevention treatment programs. **Pages S996, S997, S1040**

Coburn Amendment No. 4027 (to Amendment No. 3899), to clarify the effect of a title. **Pages S996, S997, S1040**

Coburn Amendment No. 4028 (to Amendment No. 3899), to provide a blood quantum requirement for Federal recognition of Indian tribes. **Pages S996, S997, S1040**

Coburn Amendment No. 4030 (to Amendment No. 3899), to ensure tribal members have access to the highest levels of quality and safety in the Service. **Pages S996, S997, S1040**

Coburn Amendment No. 4031 (to Amendment No. 3899), to promote transparency and quality in the Service. **Pages S996, S997, S1040**

Coburn/DeMint Amendment No. 4033 (to Amendment No. 3899), to allow tribal members to make their own health care choices. **Pages S996, S997–98, S1040**

Coburn Amendment No. 4035 (to Amendment No. 3899), to prioritize patient care over administrative overhead. **Pages S996, S998, S1040**

Coburn Amendment No. 4037 (to Amendment No. 3899), to prioritize scarce resources to basic medical services for Indians. **Pages S996, S998–99, S1040**

Pending:

Vitter Amendment No. 3896 (to Amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service. **Page S993**

Dorgan Amendment No. 3899, in the nature of a substitute. **Page S994**

Smith Amendment No. 3897 (to Amendment No. 3899), to modify a provision relating to development of innovative approaches. **Pages S1004–06**

Murkowski (for DeMint) Amendment No. 4015 (to Amendment No. 3899), to authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project. **Pages S1030–32**

Murkowski (for DeMint) Amendment No. 4066 (to Amendment No. 3899), of a perfecting nature. **Pages S1030–32**

Murkowski (for DeMint) Amendment No. 4070 (to Amendment No. 3899), of a perfecting nature. **Pages S1030–32**

Murkowski (for DeMint) Amendment No. 4073 (to Amendment No. 3899), of a perfecting nature. **Pages S1030–32**

DeMint Amendment No. 4080 (to Amendment No. 4070), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operations and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting. **Pages S1037–38**

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

DeMint Amendment No. 4067 (to Amendment No. 3894), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting, fell when Bingaman/Thune Amendment No. 3894 (to Amendment No. 3899) (listed above) was withdrawn.

**Pages S1006–08, S1022–24**

Gregg Amendment No. 4022 (to Amendment No. 3900), to provide funding for the Low-Income Home Energy Assistance Program in a fiscally responsible manner, fell when Sanders Amendment No. 3900 (to Amendment No. 3899) (listed above) was withdrawn.

**Page S994**

A motion was entered to close further debate on Dorgan Amendment No. 3899 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur at 5:30 p.m., on Monday, February 25, 2008.

**Page S1045**

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, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur on Monday, February 25, 2008.

**Page S1045**

A unanimous-consent agreement was reached providing for further consideration of the bill after the traditional reading of Washington's Farewell Address, on Monday, February 25, 2008, and that the cloture vote on Dorgan Amendment No. 3899 (listed above), occur at 5:30 p.m., on Monday, February 25, 2008; that if cloture is invoked on Dorgan Amendment No. 3899, all post-cloture time be yielded back except for the times specified in this agreement, that the Managers each have 10 minutes of debate for their use, and that all debate time be equally divided and controlled in the usual form; that Senator DeMint be recognized for up to 1 hour to speak with respect to any of his pending germane amendments; that with respect to Vitter Amendment No. 3896 (to Amendment No. 3899) (listed above), and a first-degree germane amendment from the Majority on the subject matter of Vitter Amendment No. 3896, that debate time on these two amendments be limited to 60 minutes each; that Smith Amendment No. 3897 (to Amendment No. 3899) (listed above) be limited to 20 minutes of debate; that no further amendments be in order and that upon the use of time with respect to the DeMint amendments, Senate vote on or in relation to the amendments; that the vote sequence occur in

the order in which the amendments are listed in this agreement, except that the Majority amendment with respect to Vitter Amendment No. 3896 (to Amendment No. 3899) (listed above) would occur first; that there be 2 minutes of debate prior to each vote; provided further, that upon the disposition of all pending amendments, Dorgan Amendment No. 3899 (listed above), as amended be agreed to, and the bill be read a third time, and Senate then vote on the motion to invoke cloture on the bill and that if cloture is invoked, all post-cloture time be yielded back, the Committee on Indian Affairs be discharged from further consideration of H.R. 1328, the House of Representatives companion measure, and Senate then begin its consideration, that all after the enacting clause be stricken and the text of S. 1200, as amended, be inserted in lieu thereof, that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 1328, S. 1200 be returned to the calendar, and the mandatory quorum be waived; and that if cloture is not invoked, this agreement is null and void.

**Pages S1045–46, S1082**

**NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT:** Senate began consideration of the motion to proceed to consideration of H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur not prior to the votes on the motions to invoke cloture on the motions to proceed to consideration of S. 2633, to provide for the safe redeployment of United States troops from Iraq, and S. 2634, to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

**Pages S1082–83**

Subsequently, the motion to proceed was withdrawn.

#### **Appointments:**

A unanimous-consent agreement was reached providing that the appointment at the desk appear separately in the Congressional Record as if made by the

Chair and replace the appointment made by the Chair on Wednesday, February 13, 2008.

**U.S.-Japan Interparliamentary Group:** The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110-161, appointed the following Senator as Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: Senator Stevens. **Page S1085**

**Federal Judicial Center Foundation Board:** The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 100-702, reappointed the following individual to the Federal Judicial Center Foundation Board: John B. White Jr., of South Carolina. **Page S1085**

**Open World Leadership Center:** The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 U.S.C. Sec. 1151, as amended, appointed the following individual to the Board of Trustees of the Open World Leadership Council: Senator Wicker. **Page S1085**

**National Commission on Children and Disasters:** The Chair, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 110-161, appointed the following individuals to serve as members of the National Commission on Children and Disasters: Mark Shriver of Maryland and Sheila Leslie of Nevada. **Page S1085**

**Cloture Motions—Agreement:** A unanimous-consent agreement was reached providing that on Monday, February 25, 2008, notwithstanding Rule XXII of the Standing Rules of the Senate, it be in order to move to proceed to consideration of the following bills in the order listed, that motions to invoke cloture be filed, and that once the motions have been made and the cloture motions filed, the motions to proceed be withdrawn; provided further, that the votes on the motions to invoke cloture occur on Tuesday, February 26, 2008, upon disposition of H.R. 1328, Indian Health Care Improvement Act Amendments, with two minutes of debate prior to each vote on the motion to invoke cloture specified in this agreement, equally divided and controlled between the Majority and Republican Leaders, or their designees:

S. 2633, to provide for the safe redeployment of United States troops from Iraq.

S. 2634, to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates. **Page S1085**

**Bills and Statements—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the Senate being in pro forma session on Friday, February 15, 2008, that the Congressional

Record remain open until 12:00 noon for bill introductions and statements. **Page S1085**

**Authority for Committees—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Friday, February 22, 2008, from 10:00 a.m. until 12:00 noon. **Page S1085**

**Authorizing Leadership to Make Appointments—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leader be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S1085**

**Nominations Received:** Senate received the following nominations:

Jeffrey Robert Brown, of Illinois, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

David Gustafson, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

Elizabeth Crewson Paris, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar.

Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana.

Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

25 Navy nominations in the rank of admiral.

**Pages S1085-86**

**Measures Placed on the Calendar:** **Page S1054**

**Additional Cosponsors:** **Pages S1055-56**

**Statements on Introduced Bills/Resolutions:** **Pages S1056-75**

**Additional Statements:** **Pages S1051-54**

**Amendments Submitted:** **Pages S1075-81**

**Notices of Hearings/Meetings:** **Page S1081**

**Authorities for Committees to Meet:** **Pages S1081-82**

**Privileges of the Floor:** Page S1082

**Record Votes:** Four record votes were taken today. (Total—27) Pages S1026, S1027, S1032, S1032–33

**Recess:** Senate convened at 9:30 a.m. and recessed at 8:13 p.m., until 10:00 a.m. on Friday, February 15, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1085.)

## Committee Meetings

(Committees not listed did not meet)

### AFGHANISTAN STRATEGY

*Committee on Armed Services:* Committee concluded hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States, after receiving testimony from James J. Shinn, Assistant Secretary for Asian and Pacific Security Affairs, Office of the Secretary of Defense for Policy, and Lieutenant General John F. Sattler, USMC, Director for Strategic Plans and Policy, J–5, Joint Staff, both of the Department of Defense; Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; General James L. Jones, USMC (Ret.), Atlantic Council of the United States, and Karl F. Inderfurth, George Washington University, both of Washington, D.C.

### CURRENT U.S. ECONOMY

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the current state of the United States economy and financial matters, after receiving testimony from Henry M. Paulson, Jr., Secretary of the Treasury; former Representative Christopher Cox, Chairman, U.S. Securities and Exchange Commission; and Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

### INFORMATION TECHNOLOGY AND HEALTH CARE REFORM

*Committee on the Budget:* Committee concluded a hearing to examine health care and the federal budget, focusing on information technology and health care reform, after receiving testimony from Valerie C. Melvin, Director, Human Capital and Management, Information Systems Issues, Government Accountability Office; Laura L. Adams, Rhode Island Quality Institute, Providence; and Mary R. Grealy, Healthcare Leadership Council, Washington, D.C.

### USDA FOREST SERVICE BUDGET

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the President's pro-

posed budget request for fiscal year 2009 for the United States Department of Agriculture Forest Service (USDA), after receiving testimony from Mark Rey, Under Secretary, and Abigail Kimbell, Chief, USDA Forest Service, both of the Department of Agriculture.

### MARINE VESSEL EMISSIONS REDUCTION ACT

*Committee on Environment and Public Works:* Committee concluded a hearing to examine S. 1499, to amend the Clean Air Act to reduce air pollution from marine vessels, after receiving testimony from Bryan Wood-Thomas, Associate Director, Office of Transportation and Air Quality, Office of Air and Radiation, U.S. Environmental Protection Agency; Barry R. Wallerstein, South Coast Air Quality Management District, Diamond Bar, California; Lisa P. Jackson, New Jersey Department of Environmental Protection, Trenton; Jennifer J. Mouton, Louisiana Department of Environmental Quality Air Quality Assessment Division, Baton Rouge; John G. Miller, American College of Emergency Physicians (ACEP), San Pedro, California; Richard Kassel, Natural Resources Defense Council (NRDC), New York, New York; Joe Accardo, Jr., Ports Association of Louisiana (PAL), and Joel T. Chaisson, Port of South Louisiana, both of LaPlace; Ken Wells, Offshore Marine Service Association, Harahan, Louisiana; and Jonah Ramirez, San Bernardino, California.

### INTERNATIONAL CARBON CAP AND TRADE PROGRAM

*Committee on Finance:* Committee concluded a hearing to examine international aspects of a carbon cap and trade program, focusing on experiences and implications for a United States cap-and-trade program, after receiving testimony from Senator Specter; Jennifer Haverkamp, Environmental Defense Fund, and Kjell Olav Kristiansen, Point Carbon, both of Washington, D.C.; Abraham F. Breehey, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers (AFL–CIO), Fairfax, Virginia; and Ruksana Mirza, Holcim (US), Inc., Waltham, Massachusetts.

### FEDERAL ACQUISITION WORKFORCE

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine ways to build and strengthen the Federal acquisition workforce, after receiving testimony from Paul A. Denett, Administrator, Federal Procurement Policy, Office of Management and Budget; Frank J. Anderson, Jr., President, Defense Acquisition University,