

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S781–S873

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 2255–2261, S. Res. 370, and S. Con. Res. 80. **Page S864**

Measures Passed:

Bill Enrollment: Senate agreed to S. Con. Res. 80, relating to the enrollment of S. 1932. **Page S870**

Honoring Coal Miners: Senate agreed to S. Res. 370, honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies. **Pages S870–71**

Fairness in Asbestos Injury Resolution Act: Senate began consideration of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after agreeing to the motion to proceed to the consideration of the bill, pursuant to the order of February 7, 2006. **Pages S786–S837, S837–53**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, February 9, 2006. **Page S872**

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

Transmitting, consistent with the Office of National Drug Control Reauthorization Act of 1998 (21 U.S.C. 1705), the 2006 National Drug Control Strategy; which was referred to the Committee on the Judiciary. (PM–37) **Page S861**

Transmitting, pursuant to law, a report relative to blocking property of certain persons contributing to the conflict in Côte d'Ivoire; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–38) **Page S861**

Edelman Nomination—Cloture: Senate began consideration of the nomination of Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy. **Pages S871–72**

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, a vote on cloture will occur on Friday, February 10, 2006. **Page S872**

Nominations Confirmed: Senate confirmed the following nomination:

Roland Arnall, of California, to be Ambassador to the Kingdom of the Netherlands. (Prior to this action, the nomination was recommitted to the Committee on Foreign Relations and it was then discharged from further consideration.) **Pages S870, S873**

Nominations Received: Senate received the following nominations:

Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit.

Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

1 Marine Corps nomination in the rank of general.

A routine list in the Coast Guard. **Pages S872–73**

Messages From the House: **Page S862**

Executive Communications: **Pages S862–64**

Additional Cosponsors: **Pages S864–65**

Statements on Introduced Bills/Resolutions: **Page S865**

Additional Statements: **Pages S859–60**

Amendments Submitted: **Pages S869–70**

Authorities for Committees to Meet: **Page S870**

Privileges of the Floor: **Page S870**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:53 p.m., until 9:30 a.m., on Thursday, February 9, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S872.)

Committee Meetings

(Committees not listed did not meet)

PHONE RECORD PRIVACY

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Product Safety, and Insurance concluded hearings to examine issues with respect to the procurement and sale of consumers' private phone records, and Federal efforts to protect the privacy and security of telephone records and other types of sensitive consumer information, after receiving testimony from Senator Schumer; former Representative Steve Largent, on behalf of CTIA—The Wireless Association; Kris Anne Monteith, Chief, Enforcement Bureau, Federal Communications Commission; Lydia B. Parnes, Director, Bureau of Consumer Protection, Federal Trade Commission; Marc Rotenberg, Electronic Privacy Information Center, and Cindy Southworth, National Network to End Domestic Violence, both of Washington, D.C.; and Robert Douglas, PrivacyToday.com, Steamboat Springs, Colorado.

Nominations:

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, Dennis Bottorff, of Tennessee, who was introduced by Senator Alexander, Robert M. Duncan, of Kentucky, who was introduced by Senators McConnell and Bunning, Susan Richardson Williams, of Tennessee, who was introduced by Senator Alexander, William B. Sansom, of Tennessee, Howard A. Thraikill, of Alabama, who was introduced by Senators Sessions and Alexander, and Donald R. DePriest, of Mississippi, who was introduced by Senators Cochran and Lott, all to be Members of the Board of Directors of the Tennessee Valley Authority, after the nominees testified and answered questions in their own behalf.

MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Finance: Committee held a hearing to examine implementation of the new Medicare prescription drug benefit, focusing on the volume of calls to 1-800-MEDICARE, pharmacy outreach, and total enrollment in the drug benefit program, receiving testimony from Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; William Fleming, Humana, Inc., Louisville, Kentucky; Susan E. Rawlings, Wellpoint, Inc., Newbury Park, California; David W. Bernauer, Walgreen Company,

Deerfield, Illinois; Tobey Schule, Sykes Pharmacy, Kalispell, Montana; Joy Paeth, Area Agency on Aging of Southwestern Illinois, Belleville; and Pamela Willoughby, St. John's Episcopal Church and Bedford Presbyterian Church, Bedford, Virginia.

Hearing recessed subject to the call.

NOMINATIONS:

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Janice L. Jacobs, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, and Jeanine E. Jackson, of Wyoming, to be Ambassador to Burkina Faso, who was introduced by Senator Enzi, after the nominees testified and answered questions in their own behalf.

IRAQ

Committee on Foreign Relations: Committee concluded a hearing to examine ongoing efforts to achieve the reconstruction and development of Iraq, focusing on improving primary health care, expanding access to electricity, providing potable water, restoring sewage systems, improving local governance and community development, connecting Iraq to the global economy, and transforming primary education, after receiving testimony from Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction (SIGIR), Office of the SIGIR, Department of Defense; James Jeffrey, Senior Advisor to the Secretary of State for Iraq, Department of State; James R. Kunder, Assistant Administrator for Asia and the Near East, U.S. Agency for International Development; and Joseph A. Christoff, Director, International Affairs and Trade, Government Accountability Office.

INDIAN TRIBES AND THE FEDERAL ELECTION CAMPAIGN ACT

Committee on Indian Affairs: Committee concluded an oversight hearings to examine the application of the Federal Election Campaign Act to Indian tribes and the Federal Election Commission's past decisions in this area, after receiving testimony from Michael E. Toner, Chairman, and Robert D. Lenhard, Vice Chairman, both of the Federal Election Commission; and Philip N. Hogen, National Indian Gaming Commission, W. Ron Allen, National Congress of American Indians, Lawrence Noble, Center for Responsive Politics, and James A. Thurber, American University Center for Congressional and Presidential Studies, all of Washington, D.C.

LEGISLATIVE PROCESS TRANSPARENCY

Committee on Rules and Administration: Committee concluded a hearing to examine procedures to bring

greater transparency to the legislative process, focusing on lobbying and related reforms, and strengthening the enforcement of existing public advocacy laws and ethics rules that cover Members of Congress, staff and lobbyists, after receiving testimony from Senators McCain, Feingold, Coleman, and Obama; and former Representative Al Swift and Robert D. Hynes, Jr., both of Colling Murphy Swift Hynes, LLC, James A. Thurber, Center for Congress-

sional and Presidential Studies, and Fred Wertheimer, Democracy 21, all of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 4707–4739; and 9 resolutions, H.J. Res. 77–78; H. Con. Res. 334–338; and H. Res. 671–672, were introduced. **Pages H223–25**

Additional Cosponsors: **Pages H225–26**

Reports Filed: Reports were filed as follows:

H.R. 3729, to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, with an amendment (H. Rept. 109–371);

H.R. 2791, to amend title 35, United States Code, with respect to patent fees (H. Rept. 109–372); and

H.R. 4093, to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, with an amendment (H. Rept. 109–373). **Page H223**

Chaplain: The prayer was offered today by Rev. John Appel, Senior Pastor, Frederick Seventh-day Adventist Church, Frederick, Maryland. **Page H161**

Committee Resignation: Read a letter from Representative Ros-Lehtinen wherein she resigned from the Committee on the Budget, effective immediately. **Page H164**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the greatest postseason runs in professional sports history: H. Res. 670, to congratulate the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the greatest postseason runs in professional sports history, by a

yea-and-nay vote of 384 yeas with none voting “nay” and 10 voting “present”, Roll No. 5;

Pages H164–68, H194

To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the “Hattie Caraway Station”: H.R. 4456, amended, designating the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the “Hattie Caraway Station”;

Pages H168–69

Agreed to amend the title so as to read: “To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the “Hattie W. Caraway Station”.”. **Page H169**

Supporting the goals and ideals of The Year of the Museum: H. Res. 389, to support the goals and ideals of The Year of the Museum; **Pages H169–71**

Supporting the goals and ideals of National Mentoring Month: H. Res. 660, to support the goals and ideals of National Mentoring Month;

Pages H171–74

Honoring the contributions of Catholic schools: H. Res. 657, to honor the contributions of Catholic schools, by a yea-and-nay vote of 392 yeas with none voting “nay”, Roll No. 6; **Pages H174–80, H194–95**

Honoring the sacrifice and courage of the 12 coal miners killed and the stamina and courage of the one who survived the mine disaster in Sago, West Virginia, and the sacrifice and courage of the two coal miners killed in the Aracoma Alma mine disaster, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies: H. Con. Res. 331, amended, to honor the sacrifice and courage of the 12 coal miners killed and the stamina and courage of the one who survived the mine disaster in Sago, West Virginia, and the sacrifice and courage of the two coal miners killed in the Aracoma Alma mine disaster, and recognizing

the rescue crews for their outstanding efforts in the aftermath of the tragedies. **Pages H180–85**

Agreed to amend the title so as to read: “Honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.”.

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Recess: The House recessed at 4:40 p.m. and reconvened at 5:12 p.m.

Page H185

Tax Relief Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendments to H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, and asked for a conference.

Pages H185–92, H195–96

Rejected the Neal motion to instruct conferees by a yea-and-nay vote of 185 yeas to 207 nays, Roll No. 7.

Pages H185–92, H195–96

Appointed as conferees: Representatives Thomas, McCrery, Camp of Michigan, Rangel, and Stark.

Page H196

Committee Resignation: Read a letter from Representative King wherein he resigned from the Committee on Financial Services, effective immediately.

Pages H192–93

Election of Majority Leader: The Chairman of the Republican Conference, Representative Pryce of Ohio, announced the election of Representative Boehner as the Majority Leader.

Page H195

Committee Elections: The House agreed to H. Res. 671, electing the following members to the following standing committees:

Page H196

Committee on Appropriations: Representative DeLay to rank after Representative Wolf.

Page H196

Committee on the Budget: Representative Campbell of California.

Page H196

Committee on Energy and Commerce: Representative Blunt to rank after Representative Fossella.

Page H196

Committee on Financial Services: Representative Campbell of California.

Page H196

Committee on Veterans' Affairs: Representative Campbell of California.

Page H196

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 15th.

Page H196

Presidential Message—National Emergency re Côte d'Ivoire: Read a message from the President wherein he declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the conflicts in Côte d'Ivoire—re-

ferred to the Committee on International Relations and ordered printed (H. Doc. 109–88).

Page H193

Presidential Message: Read a letter from the President wherein he transmitted the 2006 National Drug Control Strategy—referred to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce, Government Reform, International Relations, Transportation and Infrastructure, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security.

Page H193

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H202.

Senate Referrals: S. Con. Res. 69 and S. Con. Res. 80 were held at the desk.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H194, H194–95, and H195–96. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 11:21 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2007

Committee on Armed Services: Held a hearing on the Fiscal Year 2007 National Defense Authorization budget request from the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; GEN Peter Pace, USMC, Chairman, Joint Chiefs of Staff; and GEN Peter Schoomaker, USA, Chief of Staff, U.S. Army.

PRESIDENT'S BUDGET FISCAL YEAR 2007

Committee on the Budget: Held a hearing on the President's Budget for Fiscal Year 2007. Testimony was heard from Joshua B. Bolten, Director, OMB.

BUILD HOUSES FOR OUR MILITARY'S ENLISTED SERVICEMEMBERS ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on H.R. 3186, Build Houses for Our Military's Enlisted Servicemembers Act. Testimony was heard from Representatives Ryun of Kansas and Green of Texas; and public witnesses.

FLU PANDEMIC

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science

and Technology held a joint hearing entitled “Protecting the Homeland: Fighting Pandemic Flu From the Front Lines.” Testimony was heard from David B. Mitchell, Secretary, Department of Safety and Homeland Security, State of Delaware; and public witnesses.

RESOLUTIONS OF INQUIRY

Committee on International Relations: Ordered reported adversely the following resolutions: H. Res. 593, Directing the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General, and requesting the President, to provide certain information to the House of Representatives relating to extraordinary rendition of certain foreign persons; H. Res. 624, Requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; and H. Res. 642, Requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the Secretary of State’s trip to Europe in December 2005.

LIBERIA’S ELECTION—IMPACT ON WEST AFRICA

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on The Impact of Liberia’s Election on West Africa. Testimony was heard from the following officials of the Department of State: Jendayi E. Frazier, Assistant Secretary, Bureau of African Affairs; and Lloyd Pierson, Assistant Administrator, Africa, U.S. Agency for International Development; and public witnesses.

SECOND CHANCE ACT—OFFENDER RE-ENTRY

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1704, Second Chance Act of 2005 (Part 2): An Examination of Drug Treatment Programs Needed to Ensure Successful Re-entry. Testimony was heard from Nora Volkow, M.D., Director, National Institute on Drug Abuse, NIH, Department of Health and Human Services; Ken Batten, Director, Office of Substance Abuse Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, State of Virginia; and public witnesses.

BIOMASS ENERGY USAGE

Committee on Resources: Subcommittee on Forests and Forest Health and the Subcommittee on Energy and Mineral Resources held a joint oversight hearing on

the Effects of High Energy Costs on Jobs and the Potential for Expanded Use of Biomass for Energy. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4013, To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; H.R. 4080, Glendo Unit of the Missouri River Basin Project Contract Extension Act of 2005; H.R. 4204, American River Pump Station Project Transfer Act of 2005; and H.R. 4301, Blunt Reservoir and Pierre Canal Land Conveyance Act of 2005. Testimony was heard from the following officials of the Department of the Interior: Reed Murray, Program Director, Central Utah Completion Act Office; and Larry Todd, Deputy Commissioner, Policy, Administration and Budget, Bureau of Reclamation; and public witnesses.

INTERNET SALES TAX

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled “The Internet Sales Tax: Headaches Ahead for Small Business?” Testimony was heard from public witnesses.

U.S.-E.U. AIR TRAVEL CONTROL

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing entitled “U.S.-E.U. Open Skies Agreement: with a focus on DOT’s NPRM regarding ‘actual control’ of U.S. air carriers.” Testimony was heard from Jeff Shane, Under Secretary, Policy, Department of Transportation; John Byerly, Deputy Assistant Secretary, Transportation Affairs, Department of State; and public witnesses.

OVERSIGHT—VA’S BUDGET REQUEST FISCAL YEAR 2007

Committee on Veterans’ Affairs: Held an oversight hearing on the VA’s Budget Request for Fiscal Year 2007. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs; and representatives of veterans organizations.

PRESIDENT’S BUDGET FISCAL YEAR 2007

Committee on Ways and Means: Held hearings on the President’s Fiscal Year 2007 Budget proposals for the Department of Health and Human Services and OMB. Testimony was heard from Michael Leavitt, Secretary of Health and Human Services and Joshua B. Bolten, Director, OMB.

INTELLIGENCE BUDGET FISCAL YEAR 2007

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2007 Intelligence Budget. Testimony was heard from Ambassador John D. Negroponte, Director, National Intelligence.

**COMMITTEE MEETINGS FOR THURSDAY,
FEBRUARY 9, 2006**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the D.C. Courts, D.C. Court Services and Offender Supervision Agency, and the D.C. Public Defender Service, 1 p.m., SD-192.

Committee on Commerce, Science, and Transportation: to hold an oversight hearing to examine commercial aviation security, focusing on Transportation Security Administration's aviation passenger screening programs, Secure Flight and Registered Traveler, to discuss issues that have prevented these programs from being launched, and to determine their future, 10 a.m., SD-562.

Committee on Energy and Natural Resources: to hold hearings to examine the President's proposed budget request

for fiscal year 2007 for the Department of Energy, 9:30 a.m., SD-366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine the impact of clean air regulations on natural gas prices, 9:30 a.m., SD-628.

Committee on Finance: to hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of Health and Human Services, 10 a.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine new initiatives in cooperative threat reduction, 9:30 a.m., SD-419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the role of education in global competitiveness, 10 a.m., SD-106.

Committee on Homeland Security and Governmental Affairs: to resume hearings to examine Hurricane Katrina response issues, focusing on the Defense Department's role in the response, 10 a.m., SD-342.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 10 a.m., SH-219.

House

Committee on Government Reform, hearing entitled "Sharpening Our Edge—Staying Competitive in the 21st Century Marketplace," 9 a.m., 2154 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 9

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, February 14

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of S. 852, Fairness in Asbestos Injury Resolution Act.

House Chamber

Program for Tuesday: To be announced.

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