

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1473–S1614

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 374–383, and S. Res. 27. **Page S1542**

Measures Passed:

Emergency Economic Stabilization Act: Senate passed S. 383, to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities. **Pages S1613–14**

Congratulating the Pittsburgh Steelers: Senate agreed to S. Res. 27, congratulating the Pittsburgh Steelers on winning Super Bowl XLIII. **Pages S1612–13**

Measures Considered:

American Recovery and Reinvestment Act: Senate continued consideration of H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S1474–S1538**

Adopted:

Isakson/Lieberman Modified Amendment No. 106 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases. **Pages S1474, S1481–84, S1523**

Cardin Amendment No. 237 (to Amendment No. 98), to amend certain provisions of the Small Business Investment Act of 1958, related to the surety bond guarantee program. **Pages S1484–85, S1523**

Bond Amendment No. 161 (to Amendment No. 98), to provide \$2,000,000,000 from the HOME program for investment in the low income housing tax credit projects. **Pages S1496–98, S1525–26**

Dorgan Amendment No. 300 (to Amendment No. 98), to clarify that the Buy American provisions shall be applied in a manner consistent with the

United States obligations under international agreements. **Page S1528**

Baucus (for Landrieu) Amendment No. 102 (to Amendment No. 98), to ensure that assistance for the redevelopment of foreclosed and abandoned homes to States or units of local government impacted by catastrophic natural disasters may be used to support the redevelopment of homes damaged or destroyed as a result of the 2005 hurricanes, the severe flooding in the Midwest in 2008, and other natural disasters. **Page S1538**

Rejected:

By 32 yeas to 65 nays (Vote No. 37), Vitter Amendment No. 179 (to Amendment No. 98), to eliminate unnecessary spending. **Pages S1474, S1521–23**

By 35 yeas to 62 nays (Vote No. 39), Grassley (for Thune) Amendment No. 238 (to Amendment No. 98), to ensure that the \$1 trillion spending bill is not used to expand the scope of the Federal Government by adding new spending programs. **Pages S1485–88, S1489–91, S1524**

By 31 yeas to 65 nays (Vote No. 44), McCain Amendment No. 279 (to Amendment No. 98), to prohibit the applicability of Buy American requirements in the Act to the utilization of funds provided by the Act. **Pages S1494–96, S1528–30**

Withdrawn:

Martinez Modified Amendment No. 159 (to Amendment No. 98), to reduce home foreclosures, compensate servicers who modify mortgages, and remove the legal constraints that inhibit modification. **Pages S1493, S1518–20, S1524–25**

Pending:

Reid (for Inouye/Baucus) Amendment No. 98, in the nature of a substitute. **Page S1474**

Murray Amendment No. 110 (to Amendment No. 98), to strengthen the infrastructure investments made by the bill. **Page S1474**

Feingold Amendment No. 140 (to Amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds. **Pages S1474, S1479–81, S1488–89, S1504–07, S1512–18**

Grassley (for Thune) Amendment No. 197 (to Amendment No. 98), in the nature of a substitute.

Pages S1485–88

Baucus (for Dorgan) Amendment No. 200 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Pages S1491–92

Ensign Amendment No. 353 (to Amendment No. 98), in the nature of a substitute.

Page S1530

Dodd Amendment No. 354 (to Amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program.

Pages S1530–31

Barrasso Amendment No. 326 (to Amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969.

Page S1536

Barrasso (for DeMint) Amendment No. 189 (to Amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A.

Page S1536

Baucus (for Boxer) Amendment No. 363, to ensure that any action taken under this act of any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country.

Page S1538

Baucus (for Harkin/Stabenow) Amendment No. 338 (to Amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles.

Pages S1536–38

Baucus (for Dodd) Amendment No. 145 (to Amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

Pages S1536–38

Baucus (for McCaskill) Amendment No. 125 (to Amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government.

Pages S1536–38

Baucus (for McCaskill) Modified Amendment No. 236 (to Amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available.

Pages S1536–38

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

By 36 yeas to 61 nays (Vote No. 38), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Grass-

ley (for DeMint) Amendment No. 168 (to Amendment No. 98), in the nature of a substitute. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

Pages S1485–88, S1492–93, S1507–12, S1523–24

By 44 yeas to 53 nays (Vote No. 40), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 306 of the Congressional Budget Act of 1974, with respect to McCain Modified Amendment No. 278 (to Amendment No. 98), to reimplement Gramm-Rudman-Hollings to require deficit reduction and spending cuts upon 2 consecutive quarters of positive GDP growth. Subsequently, the point of order that the amendment was in violation of section 306 of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

Pages S1494–96, S1520–21, S1525

By 38 yeas to 59 nays (Vote No. 41), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904(c)(2) of the Congressional Budget Act of 1974, with respect to Inhofe Amendment No. 262 (to Amendment No. 98), to appropriate, with an offset, \$5,232,000,000 for procurement for the Department of Defense to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

Pages S1498–S1500, S1526

By 37 yeas to 60 nays (Vote No. 42), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Cornyn Amendment No. 277 (to Amendment No. 98), to reduce income taxes for all working taxpayers. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

Pages S1500–01, S1527

By 39 yeas to 57 nays (Vote No. 43), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Bunning Amendment No. 242 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to suspend for 2009 the 1993 income tax increase

on Social Security benefits. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

Pages S1501–04, S1527–28

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, February 5, 2009. **Page S1614**

Messages From the House: Page S1541–42

Measures Referred: Pages S1542

Additional Cosponsors: Pages S1542–43

Statements on Introduced Bills/Resolutions: Pages S1543–50

Additional Statements: Pages S1540–41

Amendments Submitted: Pages S1550–S1612

Notices of Hearings/Meetings: Page S1612

Authorities for Committees to Meet: Page S1612

Privileges of the Floor: Page S1612

Record Votes: Eight record votes were taken today. (Total—44)

Pages S1523, S1524, S1525, S1526, S1527, S1528, S1530

Adjournment: Senate convened at 10:30 a.m. and adjourned at 10:10 p.m., until 9:30 a.m. on Thursday, February 5, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1614.)

Committee Meetings

(Committees not listed did not meet)

FINANCIAL REGULATORY SYSTEM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the United States financial regulatory system, including how regulation has evolved in banking, securities, thrifts, credit unions, futures, insurance, and secondary mortgage markets, after receiving testimony from Paul A. Volcker, Chair, President's Economic Recovery Advisory Board; and Gene L. Dodaro, Acting Comptroller General, Government Accountability Office.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 65 public bills, H.R. 845–909; 1 private bill, H.R. 910; and 24 resolutions, H. Con. Res. 37–40; and H. Res. 115–117, 119–135, were introduced.

Pages H1041–45

Additional Cosponsors: Page H1045

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H925**

Chaplain: The prayer was offered by the guest Chaplain, Dr. Jim Higgins, McEachern Memorial United Methodist Church, Powder Springs, Georgia. **Page H925**

Children's Health Insurance Program Reauthorization Act of 2009: The House agreed to the Senate amendment to H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, by a yea-and-nay vote of 290 yeas to 135 nays, Roll No. 50.

Pages H934–75

H. Res. 107, the rule providing for consideration of the Senate amendment to the bill, was agreed to by voice vote, after agreeing to order the previous question without objection. **Pages H928–34**

Committee Elections: The House agreed to H. Res. 118, electing the following minority Members to certain standing committees: Committee on Agriculture: Representative Lummis. Committee on Education and Labor: Representative Thompson (PA). Committee on Small Business: Representative Coffman (CO). **Page H975**

Committee on Ways and Means Recommendations: Read a letter from Chairman Rangel of the Committee on Ways and Means wherein he forwarded the Committee's recommendations for certain positions for the 111th Congress. **Page H975**

DTV Delay Act: The House passed S. 352, to postpone the DTV transition date, by a yea-and-nay vote of 264 yeas to 158 nays, Roll No. 52. **Pages H984–97**

Rejected the Barton (TX) motion to commit the bill to the Committee on Energy and Commerce with instructions to report the same back to the

House forthwith with an amendment, by a ye-and-nay vote of 180 yeas to 242 nays, Roll No. 51.

Pages H995–97

H. Res. 108, the rule providing for consideration of the bill, was agreed to by voice vote, after agreeing to order the previous question without objection.

Pages H976–84

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, February 3rd:

Death in Custody Reporting Act of 2009: H.R. 738, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, by a 2/3 ye-and-nay vote of 407 yeas to 1 nay, Roll No. 53.

Pages H997–98

Privileged Resolution—Intent to Offer: Representative Carter announced his intent to offer a privileged resolution.

Pages H998–99

Meeting Hour for Tuesday, February 10th: Agreed that when the House adjourns on Monday, February 9th, it adjourn to meet at 12:30 p.m. on Tuesday, February 10th for morning hour debate.

Page H1000

Permanent Select Committee on Intelligence—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Permanent Select Committee on Intelligence: Representatives Hastings (FL), Eshoo, Holt, Ruppertsberger, Tierney, Thompson (CA), Schakowsky, Langevin, Patrick J. Murphy (PA), Schiff, Smith (WA), Boren, Gallegly, Thornberry, and to rank after Representative Rogers (MI): Representatives Myrick, Blunt, Miller (FL), Kline (MN), and Conaway.

Page H1024

Select Intelligence Oversight Panel of the Committee on Appropriations—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Select Intelligence Oversight Panel of the Committee on Appropriations: Representative Holt, Chairman; Representatives Obey, Murtha, Reyes, Dicks, Lowey, Schiff, Israel; Representative Calvert, Ranking Minority Member; Representatives Lewis (CA), Young (FL), Hoekstra, and Frelinghuysen.

Pages H1024–25

Senate Message: Message received from the Senate today appears on pages H975–76.

Quorum Calls—Votes: Four ye-and-nay votes developed during the proceedings of today and appear on pages H975, H996, H997, and H997–98. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:29 p.m.

Committee Meetings

DERIVATIVES

Committee on Agriculture: Continued hearings to review derivatives legislation. Testimony was heard from public witnesses.

MILITARY CONSTRUCTION, VETERANS' AFFAIRS, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies held a hearing on Quality of Life. Testimony was heard from the following officials of the Department of Defense: SGM Kenneth Preston, USA; SGM Carlton Kent, USMC; Master Chief Petty Officer, Rick West, USN; and CMSgt Rodney McKinley, USAF.

ARMY/MARINE CORPS FORCE PROTECTION PROGRAMS

Committee on Armed Services: Subcommittee on Air and Land Forces and the Subcommittee on Seapower and Expeditionary Forces held a joint hearing on Army and Marine Corps force protection programs. Testimony was heard from the following officials of the Department of Defense: MG Robert P. Lennox, USA, Assistant Deputy Chief of Staff, G–3/5/7; BG Peter N. Fuller, USA, Program Executive Officer, Soldier, Commanding General, Soldier Systems Center; and Kevin M. Fahey, Program Executive Office, Combat Support and Combat Service Support, all with the U.S. Army; and BG Michael Brogan, USMC, Commander, Marine Corps Systems Command, Program Executive Officer, MRAP Joint Program Office, U.S. Marine Corps.

DEFENSE PLANS LONG-TERM SUSTAINABILITY

Committee on the Budget: Held a hearing on Long-Term Sustainability of Current Defense Plans. Testimony was heard from J. Michael Gilmore, Assistant Director for National Security, CBO; and Stephen Daggett, Specialist in Defense Policy and Budgets, CRS, Library of Congress.

MADOFF SCHEME REGULATORY FAILURES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Assessing the Madoff Ponzi Scheme and Regulatory Failures." Testimony was heard from the following officials of the SEC: Linda Thomsen, Director, Division of Enforcement; Andrew J. Donohue, Director, Division of Investor Management; Erik Sirri, Director, Division of

Trading and Markets; Andy Vollmer, Acting General Counsel; and Lori A. Richards, Director, Office of Compliance Inspections and Examinations; and public witnesses.

PROMOTING BANK LIQUIDITY/LENDING MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills; H.R. 787, To make improvements in the Hope for Homeowners Program, and for other purposes; H.R. 788, to provide a safe harbor for mortgage servicers who engage in specified mortgage loan modifications, and for other purposes; and H.R. 786, To make permanent the temporary increase in deposit insurance coverage, and for other purposes.

U.S. LATIN AMERICA POLICY

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on U.S. Policy Toward Latin America in 2009 and Beyond. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Homeland Security: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

MIDNIGHT RULEMAKING

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law held a hearing on Midnight Rulemaking: Shedding Some Light. Testimony was heard from Representative Nadler; Curtis Copeland, Specialist in American National Government, Government and Finance Division, CRS, Library of Congress; and public witnesses.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Natural Resources: Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

SMALL BUSINESS—HEALTH CARE REFORM

Committee on Small Business: Held a hearing entitled "Health Care Reform in a Struggling Economy: What is on the Horizon for Small Business?" Testimony was heard from public witnesses.

HIGH SEAS—INTERNATIONAL PIRACY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on International Piracy on the High Seas. Testimony was heard from RADM William D. Baumgartner, USCG, Judge Advocate Gen-

eral, U.S. Coast Guard, Department of Homeland Security; RADM Ted Branch, USN, Director of Information, Plans, and Security, Office of the Chief of Naval Operations, Department of the Navy; James Caponiti, Acting Administrator, Maritime Administration, Department of Transportation; and public witnesses.

SUSTAINABLE WASTEWATER MANAGEMENT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Sustainable Wastewater Management. Testimony was heard from Brian McLean, Director, Office of Atmospheric Programs, Office of Air and Radiation, EPA; and public witnesses.

VETERANS AFFAIRS DEPARTMENT; COMMITTEE ORGANIZATION

Committee on Veterans' Affairs: Held a hearing on the State of the U.S. Department of Veterans Affairs. Testimony was heard from Eric K. Shinseki, Secretary of Veterans Affairs.

The Committee also met for organizational purposes.

ROADMAP FROM POZNAN TO COPENHAGEN—PRECONDITIONS FOR SUCCESS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Roadmap from Poznan to Copenhagen—Preconditions for Success." Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 5, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold an oversight hearing to examine federal food safety relative to the peanut products recall, 10 a.m., SH-216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Troubled Asset Relief Program (TARP), focusing on oversight of the financial rescue package, 10 a.m., SD-538.

Committee on Foreign Relations: organizational business meeting to consider committee's rules of procedure, and subcommittee membership and jurisdiction for the 111th Congress, Time to be announced, S-116, Capitol.

Full Committee, to hold closed hearings to examine Iran status report, focusing on nuclear and political issues, 4:30 p.m., SVC-217.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine implementing best patient care practices, 10 a.m., SD-430.

Full Committee, business meeting to consider any pending nominations, and the committee funding resolution for the 111th Congress, 2 p.m., SD-430.

Committee on Indian Affairs: organizational business meeting to consider the committee's selection of Chairman and Vice Chairman, rules of procedure for the 111th Congress, and funding resolution; to be followed by an

oversight hearing to examine advancing Indian health care, 11 a.m., SD-628.

Committee on the Judiciary: to hold hearings to examine the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, 9:30 a.m., SD-226.

Select Committee on Intelligence: to hold hearings to examine the nomination of Leon Panetta, to be Director of the Central Intelligence Agency, 2:30 p.m., SD-G50.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 5

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 9

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 1, American Recovery and Reinvestment Act.

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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