

Daily Digest

HIGHLIGHTS

The House passed H.R. 1, American Recovery and Reinvestment Act of 2009.

Senate

Chamber Action

Routine Proceedings, pages S949–S1006

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 337–342, S. Res. 24–25, and S. Con. Res. 3. **Page S994**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 26, providing for an adjournment of the House. **Pages S1004–05**

National Data Privacy Day: Senate agreed to S. Res. 25, expressing support for designation of January 28, 2009, as “National Data Privacy Day”. **Page S1005**

Measures Considered:

Children’s Health Insurance Program Reauthorization Act: Senate continued consideration of H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children’s Health Insurance Program, taking action on the following amendments proposed thereto: **Pages S950–90**

Rejected:

Grassley Amendment No. 41 (to H.R. 2, as amended), to strike the option to provide coverage to legal immigrants and increase the enrollment of uninsured low income American children. **Page S950**

By 32 yeas to 65 nays (Vote No. 18), McConnell Amendment No. 40 (to H.R. 2, as amended), in the nature of a substitute. **Pages S954–55**

By 37 yeas to 60 nays (Vote No. 19), Martinez Amendment No. 65 (to H.R. 2, as amended), to restore the prohibition on funding of nongovernmental organizations that promote abortion as a method of birth control (the “Mexico City Policy”). **Pages S955–61**

Cornyn Amendment No. 67 (to H.R. 2, as amended), to ensure redistributed funds go towards coverage of low-income children or outreach and enrollment of low-income children, rather than to

States that will use the funds to cover children from higher income families. (By 64 yeas to 33 nays (Vote No. 20), Senate tabled the amendment.) **Pages S961–62, S968–69**

By 36 yeas to 60 nays (Vote No. 21), Roberts Amendment No. 75 (to H.R. 2, as amended), to prohibit CHIP coverage for higher income children and to prohibit any payment to a State from its CHIP allotments for any fiscal year quarter in which the State Medicaid income eligibility level for children is greater than the income eligibility level for children under CHIP. **Pages S962–67, S969**

By 42 yeas to 56 nays (Vote No. 22), Kyl Amendment No. 46 (to H.R. 2, as amended), to reinstate the crowd out policy agreed to in section 116 of H.R. 3963 (CHIPRA II), as agreed to and passed by the House and Senate. **Pages S967–68, S969–76, S982–86**

By 47 yeas to 51 nays (Vote No. 23), Murkowski Amendment No. 77 (to H.R. 2, as amended), to provide for the development of best practice recommendations and to ensure coverage of low-income children. **Pages S976–78, S986**

Withdrawn:

Webb Amendment No. 58 (to H.R. 2, as amended), to amend the Internal Revenue Code of 1986 to provide a revenue source through the treatment of income of partners for performing investment management services as ordinary income received for performance of services and reduce accordingly the tobacco tax increase as a revenue source. **Pages S978–80**

Brown Amendment No. 79 (to H.R. 2, as amended), to strengthen and protect health care access, and to benefit children in need of cancer care or other acute care services. **Pages S980–82**

Pending:

Coburn Amendment No. 49 (to H.R. 2, as amended), to prevent fraud and restore fiscal accountability to the Medicaid and SCHIP programs. **Pages S986–87**

Coburn Amendment No. 50 (to H.R. 2, as amended), to restore fiscal discipline by making the Medicaid and SCHIP programs more accountable and efficient. **Page S987**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, January 29, 2009. **Page S1005**

Printing of Communication—Agreement: A unanimous-consent agreement was reached providing that a communication to Senator Byrd from the Office of Compliance related to USERRA regulations be printed in the Record.

Nominations Confirmed: Senate confirmed the following nominations:

Christina Duckworth Romer, of California, to be a Member of the Council of Economic Advisers.

(Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

Dennis Cutler Blair, of Pennsylvania, to be Director of National Intelligence.

James Braidy Steinberg, of Texas, to be Deputy Secretary of State.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Jacob J. Lew, of New York, to be Deputy Secretary of State for Management and Resources.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Robert L. Nabors II, of New Jersey, to be Deputy Director of the Office of Management and Budget.

(Prior to this action, Committee on Budget and Committee on Homeland Security and Governmental Affairs were discharged from further consideration.)

27 Air Force nominations in the rank of general.

42 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S1001–04, S1005–06**

Messages from the House: **Page S994**

Enrolled Bills Presented: **Page S994**

Executive Communications: **Page S994**

Executive Reports of Committees: **Page S994**

Additional Cosponsors: **Pages S994–95**

Statements on Introduced Bills/Resolutions: **Pages S995–99**

Additional Statements: **Page S993**

Amendments Submitted: **Pages S999–S1001**

Authorities for Committees to Meet: **Page S1001**

Privileges of the Floor: **Page S1001**

Record Votes: Six record votes were taken today. (Total—23) **Pages S954–55, S960, S969, S985, S986**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:32 p.m., until 9:30 a.m. on Thursday, January 29, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S1005.)

Committee Meetings

(Committees not listed did not meet)

HOUSING AND FINANCIAL CRISIS

Committee on the Budget: Committee concluded a hearing to examine federal response to the housing and financial crisis, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

BUSINESS MEETING

Committee on Finance: On Tuesday, January 27, 2009, committee ordered favorably reported an original bill entitled, "The American Recovery and Reinvestment Act".

GLOBAL CLIMATE CHANGE

Committee on Foreign Relations: Committee concluded a hearing to examine global climate change, after receiving testimony from Former Vice President Al Gore, Nashville, Tennessee.

MUMBAI TERRORIST ATTACKS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine lessons from the Mumbai, India, terrorist attacks, after receiving testimony from Brian Michael Jenkins, RAND Corporation, Santa Monica, California; Ashley J. Tellis, Carnegie Endowment for International Peace, Washington, D.C.; and Alan Orlob, Marriott International Lodging, Bethesda, Maryland, and Michael L. Norton, Tishman Speyer, New York, New York, both on behalf of the Real Estate Roundtable.

ECONOMIC CRISIS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine impact of the economic crisis on the United States Postal Service, after receiving testimony from John E. Potter, Postmaster General and Chief Executive Officer, United States Postal Service; Dan G. Blair, Chairman, Postal Regulatory Commission; and Phillip Herr, Director, Physical Infrastructure, Government Accountability Office.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nomination Eric H. Holder, Jr., of the District of Columbia, to be Attorney General.

VETERANS ORGANIZATIONS

Committee on Veterans' Affairs: Committee concluded a hearing to examine veterans organizations' priorities for the 111th Congress, after receiving testimony from Dean Stoline, The American Legion, Rockville, Maryland; Adrian Atizado, Disabled American Veterans, Cold Spring, Kentucky; Todd Bowers, Iraq

and Afghanistan Veterans of America, New York, New York; Carl Blake, Paralyzed Veterans of America, Fredericksburg, Virginia; Dennis Cullinan, Veterans of Foreign Wars of the United States, Washington, D.C.; and John Rowan, Vietnam Veterans of America, Middle Village, New York.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of Dennis Blair, of Pennsylvania, to be Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 50 public bills, H.R. 734–735, 737–741, 743–785; 7 private bills, H.R. 736–742; and 13 resolutions, H. Con. Res. 29–35; and H. Res. 96–101 were introduced.

Pages H777–80

Additional Cosponsors:

Pages H780–81

Report Filed: A report was filed today as follows: Supplemental report on H.R. 598, to provide for a portion of the economic recovery package relating to revenue measures, unemployment, and health (H. Rept. 111–8, Pt. 2).

Page H777

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

Page H605

Authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln: The House agreed to discharge from committee and agree to H. Con. Res. 27, authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln.

Page H607

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated on Tuesday, January 27th:

DTV Delay Act: S. 328, amended, to postpone the DTV transition date, by a $\frac{2}{3}$ yea-and-nay vote of 258 yeas to 168 nays, Roll No. 41.

Page H619

Committee Elections: The House agreed to H. Res. 96, electing the following Members to certain standing committees of the House of Representatives: Committee on Homeland Security: Representatives Loretta Sanchez (CA), Harman, DeFazio, Norton,

Zoe Lofgren (CA), Jackson-Lee (TX), Cuellar, Carney, Clarke, Richardson, Kirkpatrick (AZ), Luján, Pascrell, Cleaver, Al Green (TX), Himes, Kilroy, Massa, and Titus. Committee on Oversight and Government Reform: Representatives Kanjorski, Maloney, Cummings, Kucinich, Tierney, Clay, Watson, Lynch, Cooper, Connolly (VA), Norton, Kennedy, Davis (IL), Van Hollen, Cuellar, Hodes, Murphy (CT), Welch, Foster, Speier, and Driehaus.

Page H619

American Recovery and Reinvestment Act of 2009: The House passed 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, by a yea-and-nay vote of 244 yeas to 188 nays, Roll No. 46. Consideration of the measure began on Tuesday, January 27th.

Pages H607–18, H620–H749

Rejected the Lewis (GA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 159 yeas to 270 noes, Roll No. 45.

Pages H746–48

Pursuant to the rule, the amendment printed in part A of H. Rept. 111–9 shall be considered as adopted in the House and in the Committee of the Whole and the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule.

Page H642

Accepted:

Oberstar amendment (No. 1 printed in part B of H. Rept. 111–9) that amends the aviation, highway, rail, and transit priority consideration and “use-it-or-lose-it” provisions to require that 50 percent of the funds be obligated within 90 days;

Pages H711–12

Markey (MA) amendment (No. 2 printed in part B of H. Rept. 111–9) that requires that the Secretary require, as a condition of receiving funding under Title XIII of the Energy Independence and Security Act of 2007, that the demonstration projects utilize Internet-based or other open protocols and standards if available and appropriate, and requires that grants recipients utilize Internet-based or other open protocols and standards; **Pages H712–13**

Shuster amendment (No. 3 printed in part B of H. Rept. 111–9) that clarifies that Federal funds received by States under the bill for highway maintenance shall not be used to replace existing funds in place for transportation project; **Pages H713–17**

Nadler (NY) amendment (No. 4 printed in part B of H. Rept. 111–9) that increases transit capital funding by \$3 billion; **Pages H717–20**

Waters amendment (No. 6 printed in part B of H. Rept. 111–9) that provides that job training funds may be used for broadband deployment and related activities provided in the bill; **Page H721**

Kissell amendment (No. 8 printed in part B of H. Rept. 111–9) that expands the Berry Amendment Extension Act to include DHS to require the government to purchase uniforms for more than one hundred thousand uniformed employees from U.S. textile and apparel manufacturers; **Pages H723–24**

Platts amendment (No. 9 printed in part B of H. Rept. 111–9) that inserts the text of the Whistleblower Protection Enhancement Act (H.R. 985 in the 110th Congress) regarding protections for federal employees who report waste, fraud, and abuse; and **Pages H724–31**

Teague amendment (No. 10 printed in part B of H. Rept. 111–9) that requires that the Recovery.gov website contain links and other information on how to access job information created at or by entities receiving funding under the bill; including links to local employment agencies, state, local, and other public agencies receiving recovery funds, and private firms contracted to perform work funded by the bill. **Pages H731–32**

Rejected:

Neugebauer amendment (No. 5 printed in part B of H. Rept. 111–9) that sought to strike the appropriations provisions from the bill (by a recorded vote of 134 ayes to 302 noes, Roll No. 42); **Pages H720–21, H743–44**

Flake amendment (No. 7 printed in part B of H. Rept. 111–9) that sought to strike funding for Amtrak (by a recorded vote of 116 ayes to 320 noes, Roll No. 43); and **Pages H721–23, H741–45**

Camp amendment in the nature of a substitute (No. 11 printed in part B of H. Rept. 111–9) that sought to strike everything after the enacting clause

and add income tax rate deductions for bottom two income tax brackets, alternative minimum tax relief, small business deduction, bonus depreciation, small business expensing, expanded carryback of net operating losses, improved home buyer credit, unemployment benefit tax exemption, health insurance premium deduction, repeal of 3 percent withholding requirement for government contractors, extension of unemployment benefits, and a Sense of Congress against tax increases to offset outlays (by a recorded vote of 170 ayes to 266 noes, Roll No. 44).

Pages H732–43, H45

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H749**

H. Res. 92, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 185 nays, Roll No. 40, after agreeing to order the previous question without objection. **Pages H609–18**

A point of order was raised against the consideration of H. Res. 92 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 240 yeas to 174 nays, Roll No. 39.

Pages H607–09

Meeting Hour for Monday, February 2nd: Agreed that when the House adjourns on Monday, February 2nd, it adjourn to meet at 12:30 p.m. on Tuesday, February 3rd for morning hour debate. **Page H749**

Meeting Hour for Friday, January 30th: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, January 30, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 26, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H749**

Privileged Resolution: The House agreed to H. Res. 97, changing the size of the Permanent Select Committee on Intelligence. **Page H750**

Committee Resignation: Read a letter from Representative Conaway, wherein he resigned from the Committee on the Budget. **Page H751**

Quorum Calls—Votes: Four yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H609, H618, H619, H744, H744–45, H745, H748, H748–49. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:36 p.m.

Committee Meetings

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Agriculture: Met for organizational purposes.

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

SEXUAL ASSAULT IN THE MILITARY; VICTIM SUPPORT AND ADVOCACY

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Sexual Assault in the Military: Victim Support and Advocacy. Testimony was heard from the following officials of the Department of Defense: Kaye Whitley, Director and Teresa Scalzo, Senior Policy Advisor, both with the Sexual Assault Prevention and Response Office; CPT Daniel Katka, USAF, Sexual Assault Response Coordinator; SFC Michael Horwath, USA, Sexual Assault Response Coordinator/Victim Advocate; and Chief Petty Officer Tonya D. McKennie, USN, Victim Advocate; and a public witness.

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Foreign Affairs: Met for organizational purposes.

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

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Science and Technology: Met for organizational purposes.

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

COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

Committee on Small Business: Met for organizational purposes.

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

FREIGHT/PASSENGER RAIL OUTLOOK

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on Freight and Passenger Rail: Present and Future Roles, Performance, Benefits, and Needs. Testimony was heard from Joseph Boardman, President and CEO, National Railroad Passenger Corporation (AMTRAK); and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 29, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget: to hold hearings to examine the global economy, focusing on outlook, risks, and implications for policy, 10 a.m., SD-608.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine quality in health reform, 2 p.m., SD-430.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 29

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 2

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2, Children's Health Insurance Program Reauthorization Act.

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Alexander, Rodney, La., E163
 Bachmann, Michele, Minn., E167
 Berman, Howard L., Calif., E164
 Brown-Waite, Ginny, Fla., E159, E163
 Calvert, Ken, Calif., E168
 Castle, Michael N., Del., E164
 Courtney, Joe, Conn., E163
 Filner, Bob, Calif., E159, E160, E161, E163, E164, E165, E166, E167, E168

Gallegly, Elton, Calif., E162, E166
 Gonzalez, Charles A., Tex., E160, E162
 Higgins, Brian, N.Y., E168
 Kilroy, Mary Jo, Ohio, E169
 Markey, Edward J., Mass., E161
 Matheson, Jim, Utah, E164
 Miller, Jeff, Fla., E165
 Mollohan, Alan B., W.Va., E168
 Paul, Ron, Tex., E160, E167
 Poe, Ted, Tex., E165
 Price, David E., N.C., E167

Putnam, Adam H., Fla., E160, E164
 Rangel, Charles B., N.Y., E169, E170
 Rothman, Steven R., N.J., E163
 Scott, Robert C. "Bobby", Va., E167
 Skelton, Ike, Mo., E160
 Souder, Mark E., Ind., E159, E162, E166
 Speier, Jackie, Calif., E170
 Visclosky, Peter J., Ind., E165
 Wasserman Schultz, Debbie, Fla., E160
 Wilson, Joe, S.C., E159
 Young, C.W. Bill, Fla., E162



Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$252.00 for six months, \$503.00 per year, or purchased as follows: less than 200 pages, \$10.50; between 200 and 400 pages, \$21.00; greater than 400 pages, \$31.50, payable in advance; microfiche edition, \$146.00 per year, or purchased for \$3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.