

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1615–S1772*

**Measures Introduced:** Eight bills and three resolutions were introduced, as follows: S. 384–391, and S. Res. 28–30. **Page S1677**

#### Measures Reported:

S. Res. 28, authorizing expenditures by the Senate Committee on Indian Affairs.

S. Res. 30, authorizing expenditures by the Committee on Foreign Relations. **Page S1677**

#### 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 S1617–76**

##### Adopted:

Dorgan Modified Amendment No. 138 (to Amendment No. 98), to provide for reports on the use of funds made available under this Act and the economic impact made by the expenditure or obligation of such funds. **Page S1660**

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 S1617, S1660–61**

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 S1617, S1661**

Baucus (for McCaskill) Further 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 S1617, S1663–64**

Baucus (for Boxer) Further Modified Amendment No. 363, to ensure the expeditious completion of National Environmental Policy Act reviews under applicable law. **Pages S1617, S656, S1664–65**

#### Rejected:

By 32 yeas to 65 nays (Vote No. 46), 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 S1617, S1658–59, S1659–60**

By 43 yeas to 54 nays (Vote No. 47), 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. **Pages S1617, S1650–51, S1661**

Barrasso Amendment No. 326 (to Amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969. **Pages S1617, S1665**

#### Withdrawn:

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 S1617, S1660**

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 S1617, S1661**

#### Pending:

Reid (for Inouye/Baucus) Amendment No. 98, in the nature of a substitute. **Page S1617**

Murray Amendment No. 110 (to Amendment No. 98), to strengthen the infrastructure investments made by the bill. **Page S1617**

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 S1617, S1661**

Coburn Amendment No. 176 (to Amendment No. 98), to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act. (By 1 yea to 96 nays)

(Vote No. 50), Senate earlier failed to table the amendment.) **Pages S1665–66, S1670**

Udall Amendment No. 359 (to Amendment No. 98), to expand the number of veterans eligible for the employment tax credit for unemployed veterans.

**Pages S1666–67**

Coburn Amendment No. 309 (to Amendment No. 98), to ensure that taxpayer money is not lost on wasteful and non-stimulative projects.

**Pages S1667–69**

Sanders/Grassley Modified Amendment No. 306 (to Amendment No. 98), to require recipients of TARP funding to meet strict H-1B worker hiring standard to ensure non-displacement of U.S. workers.

**Pages S1669–70**

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

By 40 yeas to 57 nays (Vote No. 45), 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. 364 (to Amendment No. 98), in the nature of a substitute. 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 S1617–50, S1656, S1659**

By 35 yeas to 62 nays (Vote No. 48), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974 with respect to Ensign Amendment No. 353 (to Amendment No. 98), in the nature of a substitute. Subsequently, a 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 S1617, S1662**

By 37 yeas to 60 nays (Vote No. 49), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974 with respect to Grassley (for Thune) Amendment No. 197 (to Amendment No. 98), in the nature of a substitute. Subsequently, a point of order that the amendment was in violation of section 311(a)(2)(b) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1617, S1653–55, S1664**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, February 6, 2009.

**Page S1772**

**Messages from the House:**

**Page S1677**

**Measures Referred:**

**Page S1677**

**Executive Reports of Committees:**

**Page S1677**

**Additional Cosponsors:**

**Pages S1677–79**

**Statements on Introduced Bills/Resolutions:**

**Pages S1679–89**

**Additional Statements:**

**Page S1677**

**Amendments Submitted:**

**Pages S1689–S1771**

**Authorities for Committees to Meet:**

**Pages S1771–72**

**Record Votes:** Six record votes were taken today. (Total—50) **Pages S1659, S1660, S1661, S1662, S1664, S1670**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 9:04 p.m., until 10 a.m. on Friday, February 6, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1772.)

## Committee Meetings

*(Committees not listed did not meet)*

### FOOD SAFETY

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine federal food safety relative to the peanut products recall, after receiving testimony from Stephen Sundlof, Director, Center for Food Safety and Applied Nutrition, Michael Chappell, Acting Associate Commissioner, Regulatory Affairs, and William K. Hubbard, Former Senior Associate Commissioner for Policy, Planning, and Legislation, all of the Food and Drug Association, Department of Health and Human Services; Rear Admiral Ali S. Khan, Assistant Surgeon General, Centers for Disease Control and Prevention; Caroline Smith DeWaal, Center for Science in the Public Interest, Washington, D.C.; and Gabrielle Meunier, Burlington, Vermont.

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported the nominations of William J. Lynn, III, to be Deputy Secretary, Robert F. Hale, to be Under Secretary (Comptroller) and Chief Financial Officer, Michèle Flournoy, to be Under Secretary for Policy, and Jeh Charles Johnson, to be General Counsel, all of the Department of Defense.

### TARP

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the Troubled Asset Relief Program (TARP), focusing on oversight of the financial rescue package, after receiving testimony from Gene L. Dodaro, Acting Comptroller General, Government Accountability Office; and Neil M. Barofsky, Special Inspector General, and Elizabeth Warren, Chair, Congressional Oversight

Panel, both of the Troubled Asset Relief Program, Department of the Treasury.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported an original resolution authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 111th Congress and announced the following subcommittee assignments:

*Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs:* Senators Dodd (Chair), Menendez, Cardin, Webb, Gillibrand, Barrasso, Isakson, Risch, and Republican Leader designee.

*Subcommittee on African Affairs:* Senators Feingold (Chair), Cardin, Webb, Kaufman, Shaheen, Isakson, DeMint, Corker, and Risch.

*Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues:* Senators Boxer (Chair), Feingold, Menendez, Kaufman, Shaheen, Gillibrand, Wicker, DeMint, Barrasso, and Republican Leader designee.

*Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection:* Senators Menendez (Chair), Boxer, Cardin, Casey, Shaheen, Gillibrand, Corker, Wicker, DeMint, and Republican Leader designee.

*Subcommittee on Near Eastern and South and Central Asian Affairs:* Senators Casey (Chair), Dodd, Feingold, Boxer, Cardin, Kaufman, Risch, Corker, Barrasso, and Isakson.

*Subcommittee on East Asian and Pacific Affairs:* Senators Webb (Chair), Dodd, Feingold, Boxer, Casey, Gillibrand, Republican Leader designee, Isakson, Barrasso, and Wicker.

*Subcommittee on European Affairs:* Senators Shaheen (Chair), Dodd, Menendez, Casey, Webb, Kaufman, DeMint, Risch, Corker, and Wicker.

### BEST PATIENT CARE PRACTICES

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine implementing best patient care practices, after receiving testimony from Peter J. Pronovost, Johns Hopkins University, Baltimore, Maryland; Steven D. Pearson,

Massachusetts General Hospital Institute for Clinical and Economic Review, Boston; Donald R. Fischer, Highmark Blue Cross Shield, Pittsburgh, Pennsylvania, on behalf of the Blue Cross and Blue Shield Association; and Jeff Gulcher, deCODE Genetics, Chicago, Illinois.

### BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported an original resolution authorizing expenditures by the Committee, and the rules of procedure for the 111th Congress.

### HEALTH CARE

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine advancing Indian health care, after receiving testimony from H. Sally Smith, National Indian Health Board, and Rachel A. Joseph, National Steering Committee to Reauthorize the Indian Health Care Improvement Act, both of Washington, D.C.; Ron His Horse is Thunder, Great Plains Tribal Chairman's Association, Rapid City, South Dakota; David Rambeau, United American Indian Involvement, Los Angeles, California, on behalf of National Council of Urban Indian Health; Andrew Joseph, Jr., Northwest Portland Area Indian Health Board, Portland, Oregon; and Mickey Percy, Choctaw Nation of Oklahoma, Durant.

### NOMINATION

*Committee on the Judiciary:* Committee concluded a hearing to examine the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, after the nominee, who was introduced by former Senator Warner, testified and answered questions in his own behalf.

### NOMINATION

*Select Committee on Intelligence:* Committee held a hearing to examine the nomination of Leon E. Panetta, of California, to be Director of the Central Intelligence Agency, the nominee testified and answered questions on his own behalf.

Hearings recessed subject to the call and will meet again on Friday, February 6, 2009.

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# House of Representatives

## *Chamber Action*

The House was not in session today. The House is scheduled to meet at 2 p.m. on Monday, February

9, 2009, pursuant to the provisions of H. Con. Res. 26.

## Committee Meetings

No committee meetings were held.

## Joint Meetings

No joint committee meetings were held.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D89)

H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program. Signed on February 4, 2009. (Public Law 111-3)

## COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 6, 2009

(Committee meetings are open unless otherwise indicated)

### Senate

*Select Committee on Intelligence:* to continue hearings to examine the nomination of Leon E. Panetta, of California, to be Director of the Central Intelligence Agency, 10 a.m., SH-216.

### House

No committee meetings are scheduled.

### Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the employment situation for January 2009, 9:30 a.m., SD-106.

*Next Meeting of the SENATE*

10 a.m., Friday, February 6

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Monday, February 9

Senate Chamber

House Chamber

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

**Program for Monday:** To be announced.



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