

# Daily Digest

## HIGHLIGHTS

Senate agreed to H. Con. Res. 172, Adjournment Resolution.

## Senate

### Chamber Action

*Routine Proceedings, pages S8619–S8639*

**Measures Introduced:** Three bills were introduced, as follows: S. 1553–1555. **Page S8631**

**Measures Passed:**

*Adjournment Resolution:* Senate agreed to H. Con. Res. 172, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

**Page S8633**

**Measures Considered:**

**Agriculture, Rural Development, Food and Drug Administration Appropriations Act:** Senate continued consideration of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, taking action on the following amendment proposed thereto: **Pages S8619–23**

**Adopted:**

Kohl (for Leahy) Amendment No. 2234 (to Amendment No. 1908), to provide funding for the Office of Inspector General to conduct inspections of the national organic program. **Pages S8622–23**

**Pending:**

Kohl/Brownback Amendment No. 1908, in the nature of a substitute. **Page S8619**

Kohl (for Tester) Amendment No. 2230 (to Amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program. **Page S8619**

Brownback Amendment No. 2229 (to Amendment No. 1908), to establish within the Food and Drug Administration 2 review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world. **Pages S8620–22**

Kohl (for Murray/Baucus) Amendment No. 2225 (to Amendment No 1908), to allow State and local

governments to participate in the conservation reserve program. **Pages S8622–23**

Kohl (for Nelson (FL)) Amendment No. 2226 (to Amendment No. 1908), to prohibit funds made available under this Act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination. **Pages S8622–23**

A motion was entered to close further debate on the Kohl/Brownback Amendment No. 1908 (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 Friday, July 31, 2009, a vote on cloture will occur at 5:30 p.m., on Monday, August 3, 2009, and that if cloture is invoked, postcloture time be considered to have begun as if cloture had been invoked at 11 a.m., on Monday, August 3, 2009. **Pages S8619–20**

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, a vote on cloture will occur on Monday, August 3, 2009. **Page S8620**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 3 p.m., on Monday, August 3, 2009; provided further, that first-degree amendments be filed at the desk by 3:30 p.m., on Monday August 3, 2009. **Page S8620**

**Nominations Confirmed:** Senate confirmed the following nominations:

Kevin W. Concannon, of Maine, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Christine M. Griffin, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration.

Nancy J. Powell, of Iowa, to be Director General of the Foreign Service.

Donald Henry Gips, of Colorado, to be Ambassador to the Republic of South Africa.

Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service.

Earl Michael Irving, of California, to be Ambassador to the Kingdom of Swaziland.

8 Air Force nominations in the rank of general.

14 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

48 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy.

**Pages S8633–36, S8637–39**

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

Edward M. Avalos, of New Mexico, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Evan J. Segal, of Pennsylvania, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Susan Tsui Grundmann, of Virginia, to be Chairman of the Merit Systems Protection Board.

Susan Tsui Grundmann, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2016.

Anne Marie Wagner, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2014.

Abdul K. Kallon, of Alabama, to be United States District Judge for the Northern District of Alabama. vice U. W. Clemon, retired.

Jacqueline H. Nguyen, of California, to be United States District Judge for the Central District of California.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Deborah K. R. Gilg, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Timothy J. Heaphy, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

Genevieve Lynn May, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

David Lyle Cargill, Jr., of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

A routine list in the National Oceanic and Atmospheric Administration. **Page S8637**

#### **Measures Placed on the Calendar:**

**Pages S8619, S8631**

#### **Additional Cosponsors:**

**Pages S8631–32**

#### **Statements on Introduced Bills/Resolutions:**

**Page S8631**

#### **Amendments Submitted:**

**Pages S8632–33**

#### **Privileges of the Floor:**

**Page S8633**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 12:54 p.m., until 2 p.m. on Monday, August 3, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8636.)

## ***Committee Meetings***

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 98 public bills, H.R. 3435–3532; and 23 resolutions, H. Con. Res. 174–178; and H. Res. 703–720 were introduced. **Pages H9275–80**

**Additional Cosponsors:** **Pages H9280–83**

**Reports Filed:** Reports were filed today as follows:

H.R. 2913, to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse” (H. Rept. 111–240);

H.R. 2053, to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse” (H. Rept. 111–241);

H. Res. 636, directing the Attorney General to transmit to the House of Representatives all information in the Attorney General’s possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States (H. Rept. 111–242);

H.R. 2651, to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program (H. Rept. 111–243); and

H.R. 2989, to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans, to amend such Act to provide for independent investment advice for participants and beneficiaries under individual account plans, and to amend such Act and the Internal Revenue Code of 1986 to provide transitional relief under certain pension funding rules added by the Pension Protection Act of 2006, with an amendment (H. Rept. 111–244, Pt. 1). **Page H9275**

**Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Dr. Ivan Raley, First Baptist Church, Byrdstown, TN. **Page H9209**

**Corporate and Financial Institution Compensation Fairness Act of 2009:** The House passed H.R. 3269, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, by a recorded vote of 237 ayes to 185 noes, Roll No. 686. **Pages H9213–33, H9240–44**

Rejected the Sessions motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith

with an amendment, by a recorded vote of 178 ayes to 244 noes, Roll No. 685. **Pages H9242–43**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. **Page H9213**

Agreed to:

Frank (MA) amendment (No. 1 printed in H. Rept. 111–237), as modified, that strikes language prohibiting clawbacks of executive compensation approved by shareholders and inserts language prohibiting rules of financial regulators from requiring recovery of incentive-based pay under arrangements in effect on the date of enactment (by a recorded vote of 242 ayes to 178 noes, Roll No. 683). **Pages H9225–27, H9240–41**

Rejected: Garrett (NJ) amendment in the nature of a substitute (No. 2 printed in H. Rept. 111–237) that sought to replace annual shareholder “say on pay” vote with a triennial vote on compensation for public companies, allow shareholders to opt out of “say on pay” provision, allow state law to preempt the bill regarding independent compensation committees, and strike Section 4 of the bill (by a recorded vote of 179 ayes to 244 noes, Roll No. 684). **Pages H9227–33, H9241–42**

H. Res. 697, the rule providing for consideration of the bill, was agreed to by voice vote after the previous question was ordered without objection. **Pages H9211–13**

**Order of Procedure:** Agreed that the Speaker be authorized on this legislative day to entertain a motion to suspend the rules relating to H.R. 3435. **Page H9233**

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

*Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program:* H.R. 3435, to make supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program, by a  $\frac{2}{3}$  yea-and-nay vote of 316 yeas to 109 nays with 2 voting “present”, Roll No. 682. **Pages H9233–40**

**Authorizing the use of the Capitol Grounds:** The House agreed to discharge and agree to H. Con. Res. 171, to authorize the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance. **Page H9244**

**Sidney M. Aronovitz United States Courthouse Designation Act:** The House agreed by unanimous consent to H.R. 2913, to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”. **Pages H9244–45**

**Granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact:** The House agreed to discharge and agree to S.J. Res. 19, to grant the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact. **Pages H9245–46**

**Supporting the goals and ideals of “National Save for Retirement Week”:** The House agreed to discharge and agree to H. Res. 662, to support the goals and ideals of “National Save for Retirement Week”, including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security. **Page H9245**

**Expressing support for designation of September 2009 as “Gospel Music Heritage Month”:** The House agreed to discharge and agree to H.J. Res. 12, to express support for designation of September 2009 as “Gospel Music Heritage Month” and to honor gospel music for its valuable and longstanding contributions to the culture of the United States. **Pages H9246–47**

**Supporting the goals and purpose of Gold Star Mothers Day:** The House agreed to discharge and agree to H. Res. 513, to support the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces. **Page H9247**

*Committee on Transportation and Infrastructure—Communication:* Read a letter from Chairman Oberstar wherein he transmitted copies of three resolutions for the U.S. Army Corps of Engineers adopted by the Committee on Transportation and Infrastructure on July 30, 2009. **Page H9248**

**Senate Messages:** Messages received from the Senate today appear on pages H9209, H9244, H9249.

**Quorum Calls—Votes:** One yea-and-nay vote and four recorded votes developed during the proceedings of today and appear on pages H9240, H9240–41, H9241–42, H9243, H9243–44. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and at 5:54 p.m., pursuant to the provisions of H. Con. Res. 172, the House stands adjourned until 2 p.m. on Tuesday, September 8, 2009.

## Committee Meetings

### AMERICA’S AFFORDABLE HEALTH CHOICES ACT OF 2009

*Committee on Energy and Commerce:* Ordered reported, as amended, H.R. 3200, America’s Affordable Health Choices Act.

### WARTIME TREATMENT STUDY ACT

*Committee on the Judiciary:* Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law approved for full Committee action, as amended, H.R. 1425, Wartime Treatment Study Act.

### RECOVERY ACT PROGRESS REPORT

*Committee on Transportation and Infrastructure:* Held a hearing on the Recovery Act: 160-Day Progress Report for Transportation and Infrastructure Programs. Testimony was heard from Craig E. Hooks, Acting Assistant Administrator, Administration and Resources Management, EPA; Terrence C. Salt, Acting Assistant Secretary of the Army (Civil Works), Corps of Engineers, Department of the Army; Anthony E. Costa, Acting Commissioner, Public Buildings Service, GSA; the following officials of the Department of Homeland Security: W. Ross Ashley, Assistant Administrator, Grant Programs, FEMA; and Martin J. Rajk, Deputy Assistant Commandant, Resources and Deputy Chief Financial Officer; U.S. Coast Guard; and Katherine A. Siggerud, Managing Director, Physical Infrastructure Issues, GAO.

## Joint Meetings

No joint committee meetings were held.

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### CONGRESSIONAL PROGRAM AHEAD

Week of August 3 through August 8, 2009

#### Senate Chamber

On *Monday*, at approximately 3 p.m., Senate will resume consideration of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration Appropriations Act, and vote on the motion to invoke cloture on Kohl/Brownback Amendment No. 1908, at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* August 4, to hold hearings to examine strengthening and streamlining Prudential Bank supervision, 9:30 a.m., SD-538.

August 4, Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine rail modernization, focusing on transit funding, 2:30 p.m., SD-538.

August 5, Full Committee, to hold hearings to examine proposals to enhance the regulation of credit rating agencies, 9:30 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* August 5, to hold hearings to examine the nominations of Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce, and Robert S. Adler, of North Carolina, and Anne M. Northup, both to be a Commissioner of the Consumer Product Safety Commission, 10 a.m., SR-253.

August 5, Full Committee, business meeting to consider pending calendar business, 2 p.m., SR-253.

August 6, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine aviation safety, focusing on the relationship between network airlines and regional airlines, 10 a.m., SR-253.

August 6, Full Committee, to hold hearings to examine waste, fraud, and abuse in the SBIR Program, 2:30 p.m., SR-253.

*Committee on Energy and Natural Resources:* August 4, business meeting to consider any pending nominations and legislation, 2:45 p.m., SD-366.

August 6, Full Committee, to hold hearings to examine the nominations of John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012, Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, and Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 10 a.m., SD-366.

*Committee on Environment and Public Works:* August 3, Subcommittee on Water and Wildlife, to hold hearings to examine protecting the Chesapeake Bay, focusing on reauthorizing the Chesapeake Bay Program, 2 p.m., SD-406.

August 4, Full Committee, to hold hearings to examine the nomination of Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality, 10 a.m., SD-406.

August 6, Full Committee, to hold hearings to examine climate change and clean energy, 10 a.m., SD-406.

*Committee on Finance:* August 4, to hold hearings to examine climate change legislation, focusing on allowance and revenue distribution, 10 a.m., SD-215.

*Committee on Foreign Relations:* August 4, business meeting to consider the nominations of Matthew Winthrop Barzun, of Kentucky, to be Ambassador to Sweden, Bruce J. Oreck, of Colorado, to be Ambassador to the Republic

of Finland, James B. Foley, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Croatia, Philip D. Murphy, of New Jersey, to be Ambassador to the Federal Republic of Germany, Douglas W. Kmiec, of California, to be Ambassador to the Republic of Malta, William Carlton Eacho III, of Maryland, to be Ambassador to the Republic of Austria, Judith Gail Garber, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador to the Republic of Latvia, John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to Georgia, Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor, Kerri-Ann Jones, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, Ertharin Cousin, of Illinois, for the rank of Ambassador during her tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, David Killion, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, and to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, Jon M. Huntsman, Jr., of Utah, to be Ambassador to the People's Republic of China, John Victor Roos, of California, to be Ambassador to Japan, Jonathan S. Addleton, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador to Mongolia, Teddy Bernard Taylor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu, Martha Larzelere Campbell, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of the Marshall Islands, Kenneth E. Gross, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Republic of Tajikistan, and Michael Anthony Battle, Sr., of Georgia, to be Representative to the African Union, with the rank and status of Ambassador, 2:15 p.m., S-116, Capitol.

August 4, Subcommittee on European Affairs, to hold hearings to examine Georgia one year after the August war, 2:30 p.m., SD-419.

August 5, Full Committee, business meeting to consider pending calendar business, 2:15 p.m., S-116, Capitol.

August 5, Full Committee, to receive a closed briefing to examine civil nuclear cooperation agreement between the United States and the United Arab Emirates, 4 p.m., SVC-217.

*Committee on Health, Education, Labor, and Pensions:* August 4, business meeting to consider pending nominations, Time to be announced, Room to be announced.

August 4, Full Committee, to hold hearings to examine protecting patients from defective medical devices, 2:30 p.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* August 3, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine eliminating wasteful contractor bonuses, 3 p.m., SD-342.

August 4, Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery, 10:30 a.m., SD-342.

August 5, Full Committee, to hold hearings to examine the nomination of Kelvin J. Cochran, to be Administrator, United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security, 10 a.m., SD-342.

August 5, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine strengthening the federal acquisition workforce, focusing on government-wide leadership and initiatives, 2:30 p.m., SD-342.

August 6, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the United States Postal Service, 10 a.m., SD-342.

*Committee on Indian Affairs:* August 6, business meeting to consider pending calendar business; to be immediately followed by a hearing to examine S. 1011, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, 2:15 p.m., SD-628.

*Committee on the Judiciary:* August 4, to hold hearings to examine the Performance Rights Act and parity among music delivery platforms, 2:30 p.m., SD-226.

*Committee on Small Business and Entrepreneurship:* August 6, to hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration, 10 a.m., SR-428A.

*Select Committee on Intelligence:* August 4, to receive a closed briefing on certain intelligence matters from officials of the intelligence community, 11 a.m., S-407, Capitol.

### House

No committee meetings are scheduled.

### Joint Meetings

*Commission on Security and Cooperation in Europe:* August 6, to receive a briefing to examine Moldova's recent elections, 10 a.m., SVC-202/203.

## Next Meeting of the SENATE

2 p.m., Monday, August 3

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond one hour), Senate will resume consideration of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration Appropriations Act, and vote on the motion to invoke cloture on Kohl/Brownback Amendment No. 1908, at 5:30 p.m.

## Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 8

## House Chamber

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

## Extensions of Remarks, as inserted in this issue

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