

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9335–S9390

Measures Introduced: Six bills and four resolutions were introduced, as follows: S. 1669–1674, S. Res. 266–268, and S. Con. Res. 39. **Pages S9371–72**

Measures Passed:

National Ovarian Cancer Awareness Month: Senate agreed to S. Res. 267, supporting the goals and ideals of National Ovarian Cancer Awareness Month. **Page S9389**

Hispanic Heritage Month: Senate agreed to S. Res. 268, recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation. **Pages S9389–90**

Measures Considered:

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act—Agreement: Senate continued consideration of H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto:

Pages S9341–65

Rejected:

McCain Amendment No. 2375, to provide that all amounts in the bill provided for congressional earmarks shall be made available for NextGen and NextGen programs. (By 68 yeas to 26 nays (Vote No. 276), Senate tabled the amendment.)

Pages S9341–45, S9348–49

Pending:

Coburn/McCain Amendment No. 2371, to remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as road-kill reduction and highway beautification. **Pages S9345, S9347–48, S9349**

Coburn/McCain Amendment No. 2370, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from

being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations. **Pages S9345, S9349**

Coburn/McCain Amendment No. 2372, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums. **Pages S9345, S0349**

Coburn Amendment No. 2374, to determine the total cost to taxpayers of Government ownership of residential homes. **Page S9345**

Coburn Amendment No. 2377, to require public disclosure of certain reports. **Pages S9345–47**

Wicker Modified Amendment No. 2366, to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage. **Pages S9349–50, S9355–65**

Vitter Amendment No. 2376, to affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937. **Pages S9350–55**

A motion was entered to close further debate on the committee reported amendment in the nature of a substitute to 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 Thursday, September 17, 2009. **Page S9365**

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 Thursday, September 17, 2009. **Page S9365**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Wednesday, September 16, 2009, and that Senator Coburn be recognized for up to 30 minutes, and Senator Murray for up to 10 minutes; provided that upon the use or yielding back of the above specified time, Senate vote on or in relation to the amendments in the order listed below, with no second-degree amendment in order to any of those listed prior to a vote on or in relation thereto; provided that prior to each vote, there be 2

minutes of debate, equally divided and controlled in the usual form; that after the first vote in any sequence, the succeeding votes be limited to 10 minutes each: Coburn Amendment No. 2374 (listed above), Coburn Amendment No. 2377 (listed above), Coburn/McCain Amendment No. 2371 (listed above), Coburn/McCain Amendment No. 2370 (listed above), Coburn/McCain Amendment No. 2372 (listed above), Wicker Modified Amendment No. 2366 (listed above), and Vitter Amendment No. 2376 (listed above). **Page S9365**

Nominations Confirmed: Senate confirmed the following nominations:

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

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

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years. **Page S9390**

Nominations Received: Senate received the following nominations:

Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Frederick D. Barton, of Maine, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Carmen Lomellin, of Virginia, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Cynthia Stroum, of Washington, to be Ambassador to Luxembourg.

Chai Rachel Feldblum, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2013.

Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014. **Page S9390**

Messages from the House: **Page S9369**

Measures Referred: **Page S9369**

Executive Communications: **Pages S9369–71**

Additional Cosponsors: **Pages S9372–73**

Statements on Introduced Bills/Resolutions: **Pages S9373–81**

Additional Statements: **Pages S9368–69**

Amendments Submitted: **Pages S9381–88**

Notices of Hearings/Meetings: **Page S9388**

Authorities for Committees to Meet: **Pages S9388–89**

Record Votes: One record vote was taken today. (Total—276) **Page S9349**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:16 p.m., until 9:30 a.m. on Wednesday, September 16, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9390.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Armed Services: Committee concluded a hearing to examine the nomination of Michael G. Mullen, for reappointment as the Chairman of the Joint Chiefs of Staff and reappointment to the grade of admiral, after the nominee testified and answered questions in his own behalf.

AIR OPERATIONS IN CONGESTED AIRSPACE

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine aviation safety, focusing on the Hudson River midair collision and the safety of air operations in congested airspace, after receiving testimony from Christopher A. Hart, Vice Chairman, National Transportation Safety Board; Richar L. Day, Senior Vice President for Operations, Air Traffic Organization, Federal Aviation Administration, Department of Transportation; James K. Coyne, National Air Transportation Association, Alexandria, Virginia; and Edward Kragh, National Air Traffic Controllers Association, New Hope, Pennsylvania.

PRICE VOLATILITY IN THE ENERGY SECTOR

Committee on Energy and Natural Resources: Committee concluded a hearing to examine potential costs and price volatility in the energy sector, focusing on the greenhouse gas trading program, after receiving testimony from Brent Yacobucci, Specialist in Energy and Environmental Policy, Congressional Research

Service, Library of Congress; Eileen Claussen, Pew Center on Global Climate Change, Arlington, Virginia; Jason Grumet, Bipartisan Policy Center, Washington, D.C.; Joseph R. Mason, Louisiana State University, Baton Rouge; and Michael Wara, Stanford Law School, Palo Alto, California.

UNEMPLOYMENT INSURANCE BENEFITS

Committee on Finance: Committee concluded a hearing to examine unemployment insurance benefits, after receiving testimony from Beth Shulman, National Employment Law Project, Douglas J. Holmes, UWC—Strategic Services on Unemployment & Workers' Compensation, Karen Campbell, The Heritage Foundation, and Gary Burtless, The Brookings Institution, all of Washington, D.C.; and Thomas S. Whitaker, North Carolina Employment Security Commission, Raleigh, on behalf of the National Association of State Workforce Agencies.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Alan D. Solomont, of Massachusetts, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra, Lee Andrew Feinstein, of Virginia, to be Ambassador to the Republic of Poland, Barry B. White, of Massachusetts, to be Ambassador to Norway, and Jose W. Fernandez, of New York, to be Assistant Secretary for Economic, Energy, and Business Affairs, all of the Department of State, after the nominees, who were all introduced by Senator Kerry, testified and answered questions in their own behalf.

SECURITY CLEARANCE REFORM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government

Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine security clearance reform, focusing on modernization, progress in reducing delays at the Department of Defense, improving executive reports to Congress and, the extent to which joint reform efforts reflect key factors in reform, after receiving testimony from Jeffrey D. Zients, Deputy Director for Management, Office of Management and Budget; John Berry, Director, United States Office of Personnel Management; James R. Clapper, Under Secretary of Defense for Intelligence; David R. Shedd, Deputy Director of National Intelligence for Policy, Plans and Requirements, Office of the Director of National Intelligence; and Brenda S. Farrell, Director, Defense Capabilities and Management, Government Accountability Office.

MENTAL ILLNESS IN U.S. PRISONS AND JAILS

Committee on the Judiciary: Subcommittee on Human Rights and the Law concluded a hearing to examine human rights, focusing on mental illness in United States prisons and jails, after receiving testimony from Harley G. Lappin, Director, Federal Bureau of Prisons, Samuel Bagenstos, Deputy Assistant Attorney General, Civil Rights Division, and Mary Lou Leary, Deputy Assistant Attorney General, Office of Justice Programs, all of the Department of Justice; Gary D. Maynard, Secretary, Maryland Department of Public Safety and Correctional Services, Towson; Michael P. Randle, Director, Illinois Department of Corrections, Springfield; Kathryn E. Zenoff, Presiding Justice, Second Appellate Court of Illinois, Rockford; and David L. Fuller, Manhattan Outreach Consortium, Brooklyn, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 3563–3578; and 3 resolutions, H. Con. Res. 185; and H. Res. 744, 747 were introduced. **Pages H9548–49**

Additional Cosponsors: LPage H9550

Reports Filed: Reports were filed today as follows:
H. Res. 745, providing for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial

application in vehicle technologies at the Department of Energy (H. Rept. 111–255) and H. Res. 746, providing for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965 (H. Rept. 111–256). **Page H9548**

Speaker: Read a letter from the Speaker wherein she appointed Representative Speier to act as Speaker Pro Tempore for today. **Page H9493**

Recess: The House recessed at 10:59 a.m. and reconvened at noon. **Page H9496**

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

United States Postal Service Financial Relief Act of 2009: H.R. 22, amended, to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund, by a $\frac{2}{3}$ ye-a-and-nay vote of 388 yeas to 32 nays, Roll No. 701; **Pages H9502–06, H9535–36**

Agreed to amend the title so as to read: "To amend title 5, United States Code, to reduce the amount that the United States Postal Service is required to pay into the Postal Service Retiree Health Benefits Fund by the end of fiscal year 2009."

Page H9536

Amending title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques: H.R. 3137, to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques, by a $\frac{2}{3}$ ye-a-and-nay vote of 414 yeas with none voting "nay," Roll No. 702;

Pages H9506–07, H9536

Iraq and Afghanistan Veterans Memorial Post Office Designation Act: H.R. 3386, to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office";

Pages H9507–08

Supporting the goals and ideals of American Legion Day: H. Res. 679, to support the goals and ideals of American Legion Day;

Pages H9508–09

Recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor: H. Res. 317, to recognize the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, by a $\frac{2}{3}$ ye-a-and-nay vote of 312 yeas to 108 nays with 1 voting "present," Roll No. 700;

Pages H9509–13, H9534–35

Recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges: H. Con. Res. 95, to recognize the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges;

Pages H9513–14

Authorizing the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois: H.R. 511, to authorize the Secretary of Agriculture

to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village;

Page H9514

Directing the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida: H.R. 3175, to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida;

Pages H9514–16

Providing for the conveyance of National Forest System land in the State of Louisiana: H.R. 940, to provide for the conveyance of National Forest System land in the State of Louisiana;

Pages H9516–17

Recognizing the importance and sustainability of the United States hardwoods industry: H. Res. 81, to recognize the importance and sustainability of the United States hardwoods industry and to urge that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings;

Pages H9517–18

Pisgah National Forest Boundary Adjustment Act of 2009: H.R. 1002, to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina;

Pages H9519–20

21 Century FHA Housing Act of 2009: H.R. 3146, amended, to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development;

Pages H9520–22

FHA Multifamily Loan Limit Adjustment Act of 2009: H.R. 3527, amended, to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multifamily housing projects with elevators and for extremely high-cost areas;

Pages H9522–24

Securities Law Technical Corrections Act of 2009: H.R. 2947, to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935;

Pages H9524–26

Congratulating the Minority Business Development Agency on its 40th anniversary: H. Res. 215, to congratulate the Minority Business Development Agency on its 40th anniversary and to commend its achievements in fostering the establishment and growth of minority businesses in the United States;

Pages H9526–27

SIG TARP Small Business Awareness Act of 2009: H.R. 3179, amended, to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset

Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General. **Pages H9527–29**

Recess: The House recessed at 3:41 p.m. and reconvened at 4:17 p.m. **Page H9529**

Privileged Resolution: The House agreed to H. Res. 744, raising a question of the privileges of the House, by a yea-and-nay vote of 240 yeas to 179 nays with 5 voting “present,” Roll No. 699.

Pages H9529–34

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H9534, H9535, H9535–36, H9536. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 7:26 p.m.

Committee Meetings

PANDEMIC FLU PREPAREDNESS

Committee on Energy and Commerce: Held a hearing to review the nation’s readiness for the probable surge of cases of seasonal and pandemic H1N1 influenza. Testimony was heard from Kathleen Sebelius, Secretary of Health and Human Services.

MANDATORY BINDING ARBITRATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Mandatory Binding Arbitration: Is It Fair and Voluntary? Testimony was heard from Representatives Linda T. Sánchez of California and Johnson of Georgia; and public witnesses.

DEPARTMENT OF HOMELAND SECURITY—MANAGEMENT/ACQUISITION CHALLENGES

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held a hearing entitled “Investment Management and Acquisition Challenges at the Department of Homeland Security.” Testimony was heard from the following officials of the Department of Homeland Security: Elaine C. Duke, Deputy Under Secretary, Management; and James L. Taylor, Deputy Inspector General; and Randolph C. Hite, Director, Information Technology Architecture and Systems Issues, GAO.

ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a structured rule. The rule provides one hour of general debate on H.R. 3246, the Advanced Vehicle Technology Act of 2009, equally divided and con-

trolled by the chairman and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising clause 10 of rule XXI.

The rule further makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived.

The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the Chair of the Committee on Science and Technology or a designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard by Representatives Peters, Polis, Inglis, and Posey.

NASA’S HUMAN SPACE FLIGHT PROGRAM

Committee on Science and Technology: Held a hearing on Options and Issues for NASA’s Human Space Flight Program Report of the “Review of U.S. Human Space Flight Plans” Committee. Testimony was heard from VADM Joe Dyer, USN (Ret.) Chair, Aerospace Safety Advisory Panel, NASA; Norman Augustine, Chair, Review of U.S. Human Space Flight Plans Committee; and a public witness.

INCREASING ADOPTIONS ACT OF 2009

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing to review implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110–351). Testimony was heard from Brenda Donald, Office of the Secretary, Department of Human Resources, State of Maryland; Erwin McEwen, Director, Department of Children and Family Services, State of Illinois; and public witnesses.

BRIEFING—FBI COUNTERTERRORISM ISSUES

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on FBI Counterterrorism Issues. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 16, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Financial Services and General Government, to hold hearings to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia, 10 a.m., SD-192.

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space, to hold hearings to examine options from the review of the United States Human Space Flight Plans Committee, 2:30 p.m., SR-253.

Committee on Foreign Relations: to hold hearings to examine exploring three strategies for Afghanistan, 2:30 p.m., SD-419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget, 10 a.m., SD-342.

Full Committee, to hold hearings to examine the nomination of Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, 2 p.m., SD-342.

Committee on the Judiciary: to hold an oversight hearing to examine the Federal Bureau of Investigation (FBI), 10 a.m., SD-226.

Committee on Small Business and Entrepreneurship: business meeting to consider 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, Time to be announced, Room to be announced.

House

Committee on Financial Services, hearing entitled "Proposals to Enhance the Community Reinvestment Act," 10 a.m., 2128 Rayburn.

Committee on the Judiciary, to mark up the following: the Satellite Viewer Update and Reauthorization Act; H.R. 233, Railroad Antitrust Enforcement Act of 2009; H.R. 1478, Carmelo Rodriguez Military Medical Accountability Act of 2009; H.J. Res. 26, Proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; H.R. 3290, September 11 Family Humanitarian Relief and Patriotism Act of 2009; H.R. 42, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act; and H.R. 1425, Wartime Treatment Study Act, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearings entitled "Between You and Your Doctor: The Bureaucracy of Private Health Insurance," 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing entitled "A Call to Arms: A Review of Benefits for Deployed Federal Employees," 2 p.m., 2154 Rayburn.

Committee on Small Business, hearing entitled "The Economic Impact of Auto Dealer Closings on Rural Communities," 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the Hudson River Airspace and Management of Uncontrolled Airspace Corridors, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 4 p.m., 304 HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 16

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, and vote on certain pending amendments.

House Chamber

Program for Wednesday: Consideration of H.R. 3246—Advanced Vehicle Technology Act of 2009 (Subject to a Rule). Begin consideration of H.R. 3221—Student Aid and Fiscal Responsibility Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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