

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S9559–S9880*

**Measures Introduced:** Thirty-seven bills and five resolutions were introduced, as follows: S. 3604–3640, S. Res. 686–689, and S. Con. Res. 104.

**Pages S9657–58**

#### Measures Reported:

S. 3617, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States. (S. Rept. No. 110–509)

S. 3263, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people. (S. Rept. No. 110–510)

S. 2281, to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes. (S. Rept. No. 110–511)

S. 2685, to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission. (S. Rept. No. 110–512)

S. 2699, to require new vessels for carrying oil fuel to have double hulls, with amendments. (S. Rept. No. 110–513)

Report to accompany S. 2136, to address the treatment of primary mortgages in bankruptcy. (S. Rept. No. 110–514)

**Page S9655**

#### Measures Passed:

**International Medical Graduates:** Committee on the Judiciary was discharged from further consideration of H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and the bill was then passed, after agreeing to the following amendment proposed thereto:

**Page S9573**

Reid (for Conrad) Amendment No. 5654, to reduce the length of the waiver program extension.

**Page S9573**

**Special Immigrant Nonminister Religious Worker Program:** Senate passed S. 3606, to extend

the special immigrant nonminister religious worker program. **Pages S9573–74**

**Criminal History Background Checks:** Senate passed S. 3605, to extend the pilot program for volunteer groups to obtain criminal history background checks. **Page S9574**

**Enforcement of Intellectual Property Rights Act:** Senate passed S. 3325, to enhance remedies for violations of intellectual property laws, after agreeing to the committee amendments, and the following amendment proposed thereto: **Page S9583**

Leahy Amendment No. 5655, in the nature of a substitute. **Pages S9590–91**

**Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act:** Senate passed S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9595–99**

Leahy (for Kennedy) Amendment No. 5656, of a perfecting nature. **Pages S9596–97**

**FEMA Accountability Act:** Senate passed S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9604–05**

Nelson (FL) (for Lieberman/Pryor) Amendment No. 5657, in the nature of a substitute. **Page S9605**

**Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments:** Senate passed H.R. 5265, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle,

myotonic, and oculopharyngeal, muscular dystrophies, after agreeing to the following amendment proposed thereto:

Pages S9605–06

Nelson (FL) (for Klobuchar) Amendment No. 5658, in the nature of a substitute.

Pages S9605–06

**Immigration and Nationality Act:** Senate passed S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

Page S9606

**Lights On Afterschool!:** Senate agreed to S. Con. Res. 104, supporting “Lights On Afterschool!”, a national celebration of after school programs.

Pages S9606–07

**Mayor William “Bill” Sandberg Post Office Building:** Senate passed S. 3309, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William “Bill” Sandberg Post Office Building.

Page S9607

**Cpl. John P. Sigsbee Post Office:** Senate passed H.R. 5975, to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the “Cpl. John P. Sigsbee Post Office”, clearing the measure for the President.

Page S9607

**Sergeant Paul Saylor Post Office Building:** Senate passed H.R. 6092, to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Sergeant Paul Saylor Post Office Building”, clearing the measure for the President.

Page S9607

**Corporal Alfred Mac Wilson Post Office:** Senate passed H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the “Corporal Alfred Mac Wilson Post Office”, clearing the measure for the President.

Page S9607

**National Oceanic and Atmospheric Administration:** Senate passed H.R. 5350, to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, after agreeing to the following amendment proposed thereto:

Page S9851

Whitehouse (for Shelby) Amendment No. 5663, to provide authority to NOAA to enter a no cost land lease for a NOAA facility.

Page S9851

**Pechanga Band of Luiseno Mission Indians Land Transfer Act:** Senate passed H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held

in trust for the Pechanga Band of Luiseno Mission Indians, after agreeing to the committee amendments.

Pages S9851–52

**Nuclear Forensics and Attribution Act:** Senate passed H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, after agreeing to the committee amendment in the nature of a substitute.

Pages S9852–53

**Broadband Data Improvement Act:** Senate passed S. 1492, to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S9853–58

Whitehouse (for Inouye) Amendment No. 5664, in the nature of a substitute.

Page S9856

Whitehouse (for Inouye) Amendment No. 5665 (to the language proposed by Amendment No. 5664), to make technical and minor changes to the substitute amendment.

Page S9856

**Authority for Trust Land:** Senate passed S. 3192, to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land, after agreeing to the committee amendment in the nature of a substitute.

Pages S9858–59

**Presidential Historical Records Preservation Act:** Senate passed S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, after agreeing to the committee amendments, and the following amendment proposed thereto:

Pages S9859–62

Whitehouse (for Lieberman) Amendment No. 5666, to authorize the establishment of databases.

Page S9860

**Hydrographic Services Improvement Act Amendments:** Senate passed S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act, after withdrawing the committee amendments, and the following amendment proposed thereto:

Pages S9862–64

Whitehouse (for Inouye) Amendment No. 5667, in the nature of a substitute.

Pages S9863–64

**National Sea Grant College Program Amendments Act:** Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 5618, to reauthorize and amend the National Sea Grant College Program Act, and the

bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S9864–65**

Whitehouse (for Inouye) Amendment No. 5668, in the nature of a substitute. **Pages S9864–65**

**United States Postal Service Air Transportation Contracts:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3536, to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and the bill was then passed. **Pages S9865–66**

**Production of Records:** Senate agreed to S. Res. 686, to authorize the production of records. **Pages S9866–67**

**Authorization of Testimony and Legal Representation:** Senate agreed to S. Res. 687, to authorize testimony and legal representation in *People of the State of Michigan v. Sereal Leonardo Gravlin*. **Pages S9866–67**

**Authorization of Testimony:** Senate agreed to S. Res. 688, to authorize testimony in *United States v. Max Obuszewski, et al.* **Page S9867**

**Printing Authorization:** Senate agreed to S. Res. 689, to authorize the printing of a revised edition of the Senate Rules and Manual. **Page S9867**

**Shawn Bentley Orphan Works Act:** Senate passed S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works, after to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9867–72**

Whitehouse (for Kyl) Amendment No. 5669, to modify provisions relating to diligent efforts, guide searches, recommend prices, imitations on injunctive relief. **Page S9867–72**

**Old Post Office Building Redevelopment Act:** Senate passed H.R. 5001, to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, clearing the measure for the President. **Page S9872**

**Hazardous Waste Electronic Manifest Establishment Act:** Senate passed S. 3109, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, after agreeing to the following amendment proposed thereto: **Page S9874**

Whitehouse (for Thune) Amendment No. 5672, in the nature of a substitute. **Page S9874**

**Mercury Market Minimization Act:** Senate passed S. 906, to prohibit the sale, distribution,

transfer, and export of elemental mercury, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9874–76**

Whitehouse (for Boxer) Amendment No. 5673, in the nature of a substitute. **Pages S9874–76**

**Alcohol and Drug Addiction Recovery Day:** Senate agreed to S. Res. 659, designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day. **Page S9876**

**AARP 50th Anniversary:** Committee on the Judiciary was discharged from further consideration of S. Res. 666, recognizing and honoring the 50th anniversary of the founding of AARP, and the resolution was then agreed to. **Pages S9876–77**

#### Measures Considered:

**Economic Stimulus Bill:** Senate began consideration of the motion to proceed to consideration of S. 3604, making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008. **Pages S9574–77**

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

By 52 yeas to 42 nays (Vote No. 206), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S9577**

A unanimous-consent agreement was reached providing that having failed to achieve 60-affirmative votes, the motion to proceed to consideration of the bill, be withdrawn. **Page S9574**

**Advancing America's Priorities Act:** Senate resumed consideration of the motion to proceed to consideration of S. 3297, to advance America's priorities. **Pages S9577–83**

#### House Messages:

**Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009:** Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, taking action on the following motion and amendments proposed thereto: **Pages S9621–22**

Pending:

Senator Reid entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Page S9622**

Reid Amendment No. 5660 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date. **Page S9622**

Reid Amendment No. 5661 (to Amendment No. 5660), of a perfecting nature. **Page S9622**

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to bill with Reid Amendment No. 5660 (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 Thursday, September 25, 2008, a vote on cloture will occur at 10:00 a.m. on Saturday, September 27, 2008. **Page S9622**

A unanimous-consent agreement was reached providing that the above-listed action with respect to the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, be vitiated. **Page S9850**

**Department of Homeland Security Appropriations Act/Consolidated Security, Disaster Continuing Resolution:** Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, taking action on the following motion and amendments proposed thereto: **Page S9850**

Pending

Senator Whitehouse (for Reid) entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Pages S9850–51**

Whitehouse (for Reid) Amendment No. 5670 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date. **Page S9850**

Whitehouse (for Reid) Amendment No. 5671 (to Amendment No. 5670), of a perfecting nature. **Pages S9850–51**

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to bill 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, September 26, 2008, a vote on cloture will occur at 10 a.m. on Saturday, September 27, 2008. **Page S9850**

A unanimous-consent agreement was reached providing that no motion to refer be in order the pendency of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638. **Page S9851**

A unanimous-consent-time agreement was reached providing that at 9:30 a.m. on Saturday, September 27, 2008, Senate continue consideration of the

amendment of the House of Representatives to the amendment of the Senate to the bill; that the time until 10 a.m. be equally divided between the Majority and Republican Leaders, or their designees; and that at 10 a.m. Senate vote on the motion to invoke cloture on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Page S9878**

**Appalachian Regional Development Act Amendments:** Senate concurred in the amendment of the House of Representatives to S. 496, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, clearing the measure for the President. **Pages S9872–74**

**Treaties Approved:** The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001 (Treaty Doc. 110–13) with 2 declarations; and

CCW Protocol on Explosive Remnants of War (Treaty Doc. 109–10(C)) with 1 understanding and 1 declaration. **Page S9850**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:

Agreement on Conservation of Albatrosses and Petrels (Treaty Doc. No. 110–22).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S9878**

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

Clark Waddoups, of Utah, to be United States District Judge for the District of Utah.

Michael M. Anello, of California, to be United States District Judge for the Southern District of California.

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

(Prior to this action, Select Committee on Intelligence was discharged from further consideration.)

Christine M. Arguello, of Colorado, to be United States District Judge for the District of Colorado.

Philip A. Brimmer, of Colorado, to be United States District Judge for the District of Colorado.

Mary Stenson Scriven, of Florida, to be United States District Judge for the Middle District of Florida.

Anthony John Trenga, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Eric F. Melgren, of Kansas, to be United States District Judge for the District of Kansas.

Mitchell S. Goldberg, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

C. Darnell Jones II, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Joel H. Slomsky, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S9591–95, S9877–78, S9880**

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

F. Chase Hutto III, of Michigan, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Michael S. Doran, of New Jersey, to be an Assistant Secretary of State (International Information Programs).

Paul A. Quander, Jr., of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

Philip P. Simon, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Kathryn A. Oberly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

John Grasty Crews II, of New Mexico, to be Inspector General, Small Business Administration.

Chas Fagan, of North Carolina, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

JoAnn Falletta, of New York, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2012.

Lee Greenwood, of Tennessee, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

Barbara Ernst Prey, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

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

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, and the Navy. **Pages S9878–80**

**Messages from the House:** **Pages S9650–51**

**Measures Referred:** **Page S9651**

**Enrolled Bills Presented:** **Page S9651**

**Executive Communications:** **Pages S9651–55**

**Executive Reports of Committees:** **Pages S9655–57**

**Additional Cosponsors:** **Pages S9658–60**

**Statements on Introduced Bills/Resolutions:** **Pages S9660–S9722**

**Additional Statements:** **Pages S9641–50**

**Amendments Submitted:** **Pages S9722–S9849**

**Privileges of the Floor:** **Pages S9849–50**

**Record Votes:** One record vote was taken today. (Total—206) **Page S9577**

**Recess:** Senate convened at 9:30 a.m. and recessed at 8:00 p.m., until 9:30 a.m. on Saturday, September 27, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9878.)

## Committee Meetings

*(Committees not listed did not meet)*

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Michael Bruce Donley, of Virginia, to be Secretary of the Air Force, and Mark J. Gerencser, of New Jersey, and David H. McIntyre, of Texas, each to be a Member of the National Security Education Board, and 5,653 nominations in the Army, Navy, and Air Force.

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the nominations of John P. Hewko, of Michigan, to be Assistant Secretary of Transportation, and Cheryl Feldman Halpern, of New Jersey, David H. Pryor, of Arkansas, Bruce M. Ramer, of California, Elizabeth Sembler, of Florida, and Loretta Cheryl Sutliff, of Nevada, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, and promotion lists in the United States Coast Guard.