

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1773–S1893*

**Measures Introduced:** Two bills and one resolution were introduced, as follows: S. 392–393, and S. Con. Res. 5. **Page S1864**

#### 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 S1774–S1840, S1841–59**

#### Adopted:

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 S1775, S1803**

By 73 yeas to 24 nays (Vote No. 51), Coburn Amendment No. 309 (to Amendment No. 98), to ensure that taxpayer money is not lost on wasteful and non-stimulative projects. **Pages S1775, S1803–04**

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

**Pages S1775, S1804**

By a unanimous vote of 97 yeas (Vote No. 52), 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. **Pages S1775, S1804–07**

Baucus (for Dodd) Modified 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 S1775, S1850–51, S1852**

Cantwell Further Modified Amendment No. 274 (to Amendment No. 98), to improve provisions relating to energy tax incentives and provisions relat-

ing manufacturing tax incentives for energy property. **Pages S1819–26, S1853–54**

Wyden Amendment no. 468 (to Amendment No. 98), to require financial institutions receiving TARP assistance to redeem from the United States preferred stock in an amount equal to excess bonuses from 2008 or to pay a 35 percent tax on such amount.

**Pages S1834–38, S1855**

Enzi Further Modified Amendment No. 293 (to Amendment No. 98), to provide for a manager's amendment. **Pages S1831–34, S1856–59**

#### Rejected:

By 39 yeas to 57 nays (Vote No. 53), Graham/Conrad Modified Amendment No. 501 (to Amendment No. 98), to limit wasteful spending, to fund a systematic program of foreclosure prevention, to be administered by the Federal Deposit Insurance Corporation. **Pages S1808–17, S1831, S1851–52**

By 47 yeas to 49 nays (Vote No. 54), Grassley Amendment No. 297 (to Amendment No. 98), to provide the same temporary increase in the FMAP for all States and to permit States to choose the period through June 2011 for receiving the increase.

**Pages S1817–19, S1852–53**

By 45 yeas to 51 nays (Vote No. 56), Vitter Amendment No. 107 (to Amendment No. 98), prohibiting direct or indirect use of funds to fund the Association of Community Organizations for Reform Now (ACORN). **Pages S1808, S1854**

By 41 yeas to 55 nays (Vote No. 57), Bunning Amendment No. 531 (to Amendment No. 98), to temporarily increase the limitations on offsetting ordinary income with capital losses and to strike the 5-year carryback of general business credits.

**Pages S1826–27, S1855**

#### Withdrawn:

Feingold/Stabenow Amendment No. 485 (to Amendment No. 98), to clarify that certain programs constitute a qualified conservation purpose for qualified energy conservation bonds.

**Pages S1827–28, S1855**

Murray Amendment No. 110 (to Amendment No. 98), to strengthen the infrastructure investments made by the bill. **Pages S1775, S1855**

Reid (for Inouye/Baucus) Amendment No. 98, in the nature of a substitute. **Pages S1774–S1840, S1841–59**

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

By 80 yeas to 16 nays (Vote No. 55), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 904 of Congressional Budget Act of 1974 with respect to Cantwell Further Modified Amendment No. 274 (to Amendment No. 98), to improve provisions relating to energy tax incentives and provisions relating manufacturing tax incentives for energy property. The point of order that the amendment was in violation of section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, was not sustained. **Pages S1853–54**

By 35 yeas to 61 nays (Vote No. 58), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Thune Amendment No. 538 (to Amendment No. 98), to replace all spending and tax provisions with a direct rebate to all Americans filing a tax return. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell. **Pages S1828–31, S1855–56**

A unanimous-consent agreement was reached providing for further consideration of the bill at 12 p.m., on Saturday, February 7, 2009, and that the Collins-Nelson (NE) Amendment be called up, and that cloture be filed on the amendment, and that no further amendments or motions be in order for the duration of the bill; provided further, that on Monday, February 9, 2009, the time from 1 p.m. until 5:30 p.m., be equally divided and controlled in the same manner and at 5:30 p.m., Senate vote on the motion to invoke cloture on the amendment offered by Senator Reid for Senators Collins and Nelson (NE); that if cloture is invoked on the amendment; then post-cloture time run during any recess or adjournment of the Senate on Monday, February 9, 2009; and that all post-cloture time be considered expired at 12 noon, on Tuesday, February 10, 2009; that on Tuesday, February 10, 2009, the time until 12 noon be equally divided and controlled as provided above; and that if a budget point of order is raised against the amendment, then a motion to waive the applicable point of order be considered made; that if the waiver is successful, the amendment be agreed to; that if there is no point of order against the amendment, then adoption of the amendment be subject to a 60 affirmative vote threshold, and Senate vote on final passage of the bill, that

upon passage of the bill, Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the ratio agreed upon by the two Leaders. **Page S1859**

#### Appointments:

**British-American Interparliamentary Group:**  
The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, pursuant to 22 U.S.C. 2761, as amended, appointed the following Senator as Vice Chairman of the British-American Interparliamentary Group conference during the 111th Congress: Senator Cochran. **Page S1883**

**British-American Interparliamentary Group:**  
The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed the following Senator as Chairman of the British-American Interparliamentary Group conference during the 111th Congress: Senator Leahy.

**Additional Cosponsors:** **Pages S1864–66**

**Statements on Introduced Bills/Resolutions:**  
**Page S1866**

**Additional Statements:** **Pages S1862–64**

**Amendments Submitted:** **Pages S1866–83**

**Notices of Hearings/Meetings:** **Page S1883**

**Authorities for Committees to Meet:** **Page S1883**

**Privileges of the Floor:** **Page S1883**

**Record Votes:** Eight record votes were taken today. (Total—58) **Pages S1804, S1805, S1852, S1853, S1853–54, S1854, S1855, S1856**

**Adjournment:** Senate convened at 10 a.m. on Friday, February 6, 2009 and adjourned at 12:39 a.m. on Saturday, February 7, 2009, until 12 p.m. on the same day. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1883.)

## Committee Meetings

*(Committees not listed did not meet)*

### NOMINATION

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