

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2346, Supplemental Appropriations Act.

Senate agreed to H. Con. Res. 133, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S5767–S5889

Measures Introduced: Forty-five bills and ten resolutions were introduced, as follows: S. 1115–1159, S. Res. 155–163, and S. Con. Res. 24. **Pages S5818–20**

Measures Passed:

Supplemental Appropriations Act: By 86 yeas to 3 nays (Vote No. 202), Senate passed H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, as amended, after taking action on the following amendments proposed thereto: **Pages S5770–S5804**

Adopted:

Leahy/Kerry Amendment No. 1191, to provide for consultation and reports to Congress regarding the International Monetary Fund. **Pages S5771, S5798**

Brown Modified Amendment No. 1161, to require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints. **Pages S5771, S5799**

Corker Modified Amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan. **Pages S5770, S5799**

Kaufman Modified Amendment No. 1179, to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations. **Page S5771**

McCain Modified Amendment No. 1188, to make available from funds appropriated by title XI an additional \$42,500,000 for assistance for Georgia. **Pages S5771, S5799**

Graham (for Lieberman) Modified Amendment No. 1157, to provide that certain photographic

records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). **Pages S5770–71, S5799**

Lincoln Modified Amendment No. 1181, to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations. **Page S5771**

Reid (for Hutchison) Modified Amendment No. 1176, to help communities impacted by Hurricane Ike. **Page S5799**

Rejected:

By 30 yeas to 64 nays (Vote No. 201), Merkley (for DeMint) Amendment No. 1138, to strike the provisions relating to increased funding for the International Monetary Fund. **Pages S5771, S5782–87**

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

By 94 yeas to 1 nay (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S5771**

Chair sustained a point of order that the following amendments were not germane post-cloture, and the amendments thus fell:

Bennet/Casey Amendment No. 1167, to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children. **Page S5771**

Reid Amendment No. 1201 (to Amendment No. 1167), to change the enactment date. **Page S5771**

Hutchison Amendment No. 1189, to protect auto dealers. **Pages S5771, S5780–81, S5788–90**

Risch Amendment No. 1143, to appropriate, with an offset, an additional \$2,000,000,000 for National Guard and Reserve Equipment. **Page S5771**

Kyl/Lieberman Amendment No. 1147, to prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran. **Page S5771**

Lieberman Amendment No. 1156, to increase the authorized end strength for active duty personnel of the Army. **Pages S5570, S5801-04**

Isakson Amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit. **Page S5770**

Chambliss Amendment No. 1144, to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base. **Page S5770**

Cornyn Amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned.

Pages S5770 S5775-77, S5799-S5801

Chair sustained a point of order that the following amendment contains sense of the Senate language and therefore, is dilatory under cloture, and the amendment thus fell:

Merkley/Whitehouse Amendment No. 1185, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States-Iraq Status of Forces Agreement.

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Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Byrd, Leahy, Harkin, Mikulski, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Lautenberg, Nelson (NE), Pryor, Tester, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich, and Murkowski. **Page S5804**

Shi'ite Personal Status Law in Afghanistan: Senate agreed to S. Con. Res. 19, expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Page S5883**

Reid (for DeMint) Amendment No. 1224, to amend the preamble. **Pages S5883-84**

Yvonne Ingram-Ephraim Post Office Building: Senate passed H.R. 663, to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building", clearing the measure for the President. **Page S5884**

Stan Lundine Post Office Building: Senate passed H.R. 918, to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building", clearing the measure for the President. **Page S5884**

Major Ed W. Freeman Post Office: Senate passed H.R. 1284, to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office", clearing the measure for the President. **Page S5884**

Brian K. Schramm Post Office Building: Senate passed H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building", clearing the measure for the President. **Page S5884**

Condemning Burmese State Peace and Development Council Actions: Senate agreed to S. Res. 160, condemning the actions of the Burmese State Peace and Development Council against Daw Aung San Suu Kyi and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.

Pages S5884-85

National Hereditary Hemorrhagic Telangiectasia (HHT) Month: Senate agreed to S. Res. 161, recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States. **Page S5885**

Langston Golf Course and African-American Golf History: Senate agreed to S. Res. 162, recommending the Langston Golf Course, located in northeast Washington, DC and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history. **Pages S5885-86**

National Childhood Stroke Awareness Day: Senate agreed to S. Res. 163, expressing the sense of the Senate with respect to childhood stroke and designating an appropriate date as "National Childhood Stroke Awareness Day". **Page S5886**

Adjournment Resolution: Senate agreed to H. Con. Res. 133, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Pages S5886–87

Measures Considered:

Railroad Antitrust Enforcement Act—Cloture Agreement: Senate began consideration of the motion to proceed to consideration of S. 146, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

Page S5887

A motion was entered to close further debate on the motion to proceed to consideration of the 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 Thursday, May 21, 2009, a vote on cloture will occur on Tuesday, June 2, 2009.

Page S5887

Subsequently, the motion to proceed was withdrawn.

Page S5887

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 3:00 p.m., on Monday, June 1, 2009.

Page S5888

Family Smoking Prevention and Tobacco Control Act—Cloture Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System.

Page S5887

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Page S5887

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Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Thursday, May 21, 2009, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions.

Page S5768

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority

and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S5887

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Friday, May 29, 2009, from 10 a.m. until 12 noon.

Page S5887

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, Senator Reed be authorized to sign duly enrolled bills or joint resolutions.

Page S5887

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy; which was referred to the Committee on Foreign Relations. (PM–21)

Pages S5816–17

McCarthy Nomination—Agreement: A unanimous-consent agreement was reached providing that after a period of morning business, on Tuesday, June 2, 2009, Senate begin consideration of the nomination of Regina McCarthy, of Massachusetts, to be Assistant Administrator of the Environmental Protection Agency, and vote on confirmation of the nomination.

Page S5887

Nominations Confirmed: Senate confirmed the following nominations:

Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

Florence Y. Pan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2012.

Cameron F. Kerry, of Massachusetts, to be General Counsel of the Department of Commerce.

Sandra Brooks Henriquez, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

Judith A. McHale, of Maryland, to be Under Secretary of State for Public Diplomacy.

Philip J. Crowley, of Virginia, to be an Assistant Secretary of State (Public Affairs).

John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education for a term of six years.

Priscilla E. Guthrie, of Virginia, to be Chief Information Officer, Office of the Director of National Intelligence.

John D. Porcari, of Maryland, to be Deputy Secretary of Transportation.

Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Robert Orris Blake, Jr., of Maryland, to be Assistant Secretary of State for South Asian Affairs.

Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

Peter M. Rogoff, of Virginia, to be Federal Transit Administrator.

Michael S. Barr, of Michigan, to be an Assistant Secretary of the Treasury.

J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.

Aneesh Chopra, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

5 Air Force nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, National Oceanic and Atmospheric Administration, and Navy.

Pages S5888–89

Nominations Received: Senate received the following nominations:

Paul T. Anastas, of Connecticut, to be an Assistant Administrator of the Environmental Protection Agency.

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

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years.

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

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Messages from the House: **Page S5817**

Measures Referred: **Page S5816**

Enrolled Bills Presented: **Page S5817**

Executive Communications: **Pages S5816–18**

Petitions and Memorials: **Page S5818**

Executive Reports of Committees: **Page S5818**

Additional Cosponsors: **Pages S5820–22**

Statements on Introduced Bills/Resolutions: **Pages S5822–74**

Additional Statements: **Page S5813**

Amendments Submitted: **Pages S5879–81**

Notices of Hearings/Meetings: **Page S5881**

Authorities for Committees to Meet: **Pages S5881–82**

Record Votes: Three record votes were taken today. (Total—202) **Pages S5771, S5787, S5804**

Adjournment: Senate convened at 9 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 133, at 9:51 p.m., until 2 p.m. on Monday, June 1, 2009. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S5888.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NATIONAL INSTITUTES OF HEALTH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Institutes of Health, after receiving testimony from Raynard S. Kington, Acting Director, Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, Elizabeth G. Nabel, Director, National Heart, Lung, and Blood Institute, and John E. Niederhuber, Director, National Cancer Institute, all of the National Institutes of Health, Department of Health and Human Services.

APPROPRIATIONS: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Aeronautics and Space Administration, after receiving testimony from Christopher J. Scolese, Acting Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS: FOOD AND DRUG ADMINISTRATION

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Food and Drug Administration, after