

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2997, Agriculture, Rural Development, Food and Drug Administration Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8709–S8783

Measures Introduced: Seven bills and four resolutions were introduced, as follows: S. 1570–1576, and S. Res. 237–240. **Page S8765**

Measures Reported:

S. 212, to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, with amendments. (S. Rept. No. 111–64)

S. 380, to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, with amendments. (S. Rept. No. 111–65)

H.R. 3293, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, with an amendment in the nature of a substitute. (S. Rept. No. 111–66)

H.R. 1275, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah. (S. Rept. No. 111–67)

H.R. 2938, to extend the deadline for commencement of construction of a hydroelectric project. (S. Rept. No. 111–68) **Page S8759**

Measures Passed:

Cesar E. Chavez Post Office: Senate passed S. 748, to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the “Cesar E. Chavez Post Office”. **Pages S8714–15**

Jack F. Kemp Post Office Building: Senate passed S. 1211, to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the “Jack F. Kemp Post Office Building”. **Pages S8714–15**

Dr. Martin Luther King, Jr. Post Office: Senate passed S. 1314, to designate the facility of the United States Postal Service located at 630 North-

east Killingsworth Avenue in Portland, Oregon, as the “Dr. Martin Luther King, Jr. Post Office”.

Pages S8714–15

Geraldine Ferraro Post Office Building: Senate passed H.R. 774, to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the “Geraldine Ferraro Post Office Building”, clearing the measure for the President. **Pages S8714–15**

John Scott Challis, Jr. Post Office: Senate passed H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the “John Scott Challis, Jr. Post Office”, clearing the measure for the President. **Pages S8714–15**

Elijah Pat Larkins Post Office Building: Senate passed H.R. 1271, to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the “Elijah Pat Larkins Post Office Building”, clearing the measure for the President. **Pages S8714–15**

Caroline O’Day Post Office Building: Senate passed H.R. 1397, to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the “Caroline O’Day Post Office Building”, clearing the measure for the President. **Pages S8714–15**

Frederic Remington Post Office Building: Senate passed H.R. 2090, to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the “Frederic Remington Post Office Building”, clearing the measure for the President. **Pages S8714–15**

Herbert A Littleton Postal Station: Senate passed H.R. 2162, to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the “Herbert A Littleton Postal Station”, clearing the measure for the President. **Pages S8714–15**

Laredo Veterans Post Office: Senate passed H.R. 2325, to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the “Laredo Veterans Post Office”, clearing the measure for the President.

Pages S8714–15

Kile G. West Post Office Building: Senate passed H.R. 2422, to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the “Kile G. West Post Office Building”, clearing the measure for the President.

Pages S8714–15

Lieutenant Commander Roy H. Boehm Post Office Building: Senate passed H.R. 2470, to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the “Lieutenant Commander Roy H. Boehm Post Office Building”, clearing the measure for the President.

Pages S8714–15

Agriculture, Rural Development, Food And Drug Administration Appropriations Act: By 80 yeas to 17 nays (Vote No. 261), Senate passed 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, as amended, after taking action on the following amendments proposed thereto:

Pages S8711–14, S8715–16, S8716–30

Adopted:

Kohl (for Dodd) Amendment No. 2284 (to Amendment No. 1908), to require the Secretary of Agriculture to fund certain projects in communities and municipal districts in Connecticut, Massachusetts, and Rhode Island.

Page S8722

Johanns/Nelson (NE) Amendment No. 2241 (to Amendment No. 1908), to provide funding for the tuberculosis program of the Animal and Plant Health Inspection Service.

Pages S8711, S8722–23

Kohl Modified Amendment No. 2280 (to Amendment No. 1908), of a perfecting nature.

Pages S8722–23, S8725–26

Sanders Modified Amendment No. 2271 (to Amendment No. 1908), to provide funds for the school community garden pilot program, with an offset.

Page S8711, S8722–23

Kohl (for Cardin) Modified Amendment No. 2282 (to Amendment No. 1908), to seek recommendations from the Commissioner of Food and Drugs regarding the need to establish labeling standards for personal care products for which organic claims are made.

Pages S8722–23

Kohl (for Hutchison) Modified Amendment No. 2249 (to Amendment No. 1908), to express the sense of the Senate relating to the provision of disaster assistance.

Pages S8722–23

Kohl (for Sanders) Modified Amendment No. 2266 (to Amendment No. 1908), to require the Center for Food Safety and applied Nutrition to use certain funds to conduct a study on obesity.

Pages S8711, S8722–23

Kohl (for Nelson (NE)) Amendment No. 2285 (to Amendment No. 1908), to express the sense of the Senate regarding the livestock indemnity program.

Page S8725

Sanders Amendment No. 2276 (to Amendment No. 1908), to modify the amount made available for the Farm Service Agency.

Pages S8711–14, S8725, S8726–27

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

Pages S8711–14, S8715–16, S8716–29

Rejected:

By 27 yeas to 70 nays (Vote No. 257), McCain Amendment No. 1912 (to Amendment No. 1908), to strike a provision relating to certain watershed and flood prevention operations.

Pages S8711–12

McCain Amendment No. 2030 (to Amendment No. 1908), to prohibit funding for an earmark.

Pages S8711, S8712–13

By 37 yeas to 60 nays (Vote 258), Coburn Amendment No. 2244 (to Amendment No. 1908), to support the proposal of the President to eliminate funding in the bill for digital conversion efforts of the Department of Agriculture that are duplicative of existing Federal efforts.

Pages S8711, S8716–18, S8720, S8726

Coburn Amendment No. 2245 (to Amendment No. 1908), to strike a provision providing \$3,000,000 for specialty cheeses in Vermont and Wisconsin.

Pages S8711, S8726

By 32 yeas to 65 nays (Vote No. 259), Coburn motion to commit the bill to the Committee on Appropriations, with instructions.

Pages S8724, S8726

Withdrawn:

Coburn Amendment No. 2243 (to Amendment No. 1908), to eliminate double-dipped stimulus funds for the Rural Business-Cooperative Service account.

Pages S8711, S8720

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

Chair sustained a point of order that Kohl (for Murray/Baucus) Amendment No. 2225 (to Amendment No. 1908), to allow State and local governments to participate in the conservation reserve program, 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, Coburn Amendment No. 2246 (to Amendment No.

2226), to provide additional transparency and accountability for spending on conferences and meetings of the Department of Agriculture, Coburn Amendment No. 2248 (to Amendment No. 1908), to prohibit no-bid contracts and grants, and Kohl Amendment No. 2288 (to Amendment No. 2248), to provide requirements regarding the authority of the Secretary of Agriculture and the Commissioner of Food and Drugs to enter into certain contracts, were not germane, and the amendments thus fell.

Pages S8711, S8716, S8718–19, S8719

Chair sustained a point of order that the following amendment was not germane post-cloture, and the amendment thus fell: Brownback (for Barrasso) Amendment No. 2240 (to Amendment No. 1908), to require the Secretary of Agriculture to conduct a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009).

Pages S8711, S8723

By 60 yeas to 37 nays (Vote No. 260), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion, under section 904 of the Congressional Budget act of 1974, to waive provisions of the Act for consideration of Sanders Amendment No. 2276 (to Amendment No. 1908), to modify the amount made available for the Farm Service Agency. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was not sustained, and the point of order raised was rendered moot.

Pages S8726–27

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 Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson (NE), Reed, Pryor, Specter, Inouye, Brownback, Bennett, Cochran, Bond, McConnell, Collins, and Shelby.

Page S8730

Military Spouses Residency Relief Act: Senate passed S. 475, to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency.

Page S8778

Recognizing Noncommissioned Officers of the United States Army: Committee on Armed Services was discharged from further consideration of H.J. Res. 44, recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army, and the resolution was then passed, clearing the measure for the President.

Page S8778

National Purple Heart Recognition Day: Senate agreed to S. Res. 239, supporting the goals and ideals of "National Purple Heart Recognition Day".

Pages S8778–79

National Fetal Alcohol Spectrum Disorders Awareness Day: Senate agreed to S. Res. 240, designating September 9, 2009, as "National Fetal Alcohol Spectrum Disorders Awareness Day".

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Sotomayor Nomination—Agreement: Senate began consideration of the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

Pages S8730–55

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 10 a.m., on Wednesday, August 5, 2009, with the debate time until 2 p.m. divided in one hour alternating blocks of time, with the Majority controlling the first hour; provided further, that the time from 2–3 p.m., be equally divided and controlled with the Majority controlling the first 30 minutes, and the Republicans controlling the final 30 minutes; that at 3 p.m., Senate stand in recess until 5 p.m., and that upon reconvening at 5 p.m., Senate resume the one hour alternating blocks of time with the Republicans controlling the first hour.

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Nominations Confirmed: Senate confirmed the following nominations:

Patricia A. Butenis, of Virginia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

Alfonso E. Lenhardt, of New York, to be Ambassador to the United Republic of Tanzania.

Pamela Jo Howell Slutz, of Texas, to be Ambassador to the Republic of Burundi.

Miguel Humberto Diaz, of Minnesota, to be Ambassador to the Holy See.

Jerry P. Lanier, of North Carolina, to be Ambassador to the Republic of Uganda.

James B. Smith, of New Hampshire, to be Ambassador to the Kingdom of Saudi Arabia.

Samuel Louis Kaplan, of Minnesota, to be Ambassador to the Kingdom of Morocco.

Charles Aaron Ray, of Maryland, to be Ambassador to the Republic of Zimbabwe.

Gayleatha Beatrice Brown, of New Jersey, to be Ambassador to Burkina Faso.

Fay Hartog-Levin, of Illinois, to be Ambassador to the Kingdom of the Netherlands.

Patricia Newton Moller, of Arkansas, to be Ambassador to the Republic of Guinea.

Stephen J. Rapp, of Iowa, to be Ambassador at Large for War Crimes Issues. **Pages S8777–78, S8783**

Nomination Received: Senate received the following nomination:

Marcia K. McNutt, of California, to be Director of the United States Geological Survey. **Page S8783**

Measures Placed on the Calendar: **Page S8709**

Measures Read the First Time: **Page S8779**

Executive Communications: **Pages S8758–59**

Executive Reports of Committees: **Pages S8759–65**

Additional Cosponsors: **Pages S8765–67**

Statements on Introduced Bills/Resolutions:
Pages S8767–74

Additional Statements: **Page S8758**

Amendments Submitted: **Pages S8774–76**

Authorities for Committees to Meet:
Pages S8776–77

Privileges of the Floor: **Page S8777**

Record Votes: Five record votes were taken today. (Total—261) **Pages S8712, S8726, S8727, S8729–30**

Adjournment: Senate convened at 10 a.m. and adjourned at 9:56 p.m., until 9:30 a.m. on Wednesday, August 5, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8779.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of John M. McHugh, of New York, to be Secretary of the Army, Joseph W. Westphal, of New York, to be Under Secretary of the Army, Juan M. Garcia III, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, and J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, all of the Department of Defense.

PRUDENTIAL BANK SUPERVISION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine strengthening and streamlining Prudential Bank supervision, after receiving testimony from Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; John C. Dugan, Comptroller of the Currency, Office of the Comptroller of the Currency; and John E. Bowman, Acting Director, Office of Thrift Supervision, both of the Department of the Treasury; and Daniel K.

Tarullo, Member, Board of Governors of the Federal Reserve System.

RAIL MODERNIZATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine rail modernization, focusing on transit funding, after receiving testimony from Peter M. Rogoff, Administrator, Federal Transit Administration, Department of Transportation; Carole L. Brown, Chicago Transit Authority, Chicago, Illinois; John B. Catoe, Jr., Washington Metropolitan Area Transit Authority, Washington, D.C.; Richard Sarles, New Jersey Transit, Trenton, New Jersey; and Beverly A. Scott, Metropolitan Atlanta Rapid Transit Authority, Atlanta, Georgia.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

H.R. 1275, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah;

H.R. 2938, to extend the deadline for commencement of construction of a hydroelectric project; and

The nominations of James J. Markowsky, of Massachusetts, to be Assistant Secretary for Fossil Energy, Warren F. Miller, Jr., of New Mexico, to be Assistant Secretary for Nuclear Energy, and to be Director of the Office of Civilian Radioactive Waste Management, both of the Department of Energy, and Anthony Marion Babauta, of Virginia, to be Assistant Secretary, and Jonathan B. Jarvis, of California, to be Director of the National Park Service, both of the Department of the Interior.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality, after the nominee, who was introduced by Senators Menendez and Lautenberg, testified and answered questions in his own behalf.

CLIMATE CHANGE LEGISLATION

Committee on Finance: Committee concluded a hearing to examine climate change legislation, focusing on allowance and revenue distribution and options for distributing program revenues or the economic value of allowances, after receiving testimony from John Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Dallas Burtraw, Resources for the Future, and Alan D.