

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5911–S5984

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1161–1165, and S. Res. 164–166. **Page S5943**

Measures Passed:

Great Smoky Mountains National Park 75th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 137, recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park, and the resolution was then agreed to. **Pages S5980–81**

End of Communist Rule in Poland 20th Anniversary: Committee on Foreign Relations was discharged from further consideration of S. Res. 139, commemorating the 20th anniversary of the end of communist rule in Poland, and the resolution was then agreed to. **Page S5981**

Bread for the World 35th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 157, recognizing Bread for the World, on the 35th anniversary of its founding, for its faithful advocacy on behalf of poor and hungry people in our country and around the world, and the resolution was then agreed to. **Pages S5981–82**

Printing Authorization: Senate agreed to S. Res. 166, to authorize the printing of a collection of the rules of the committees of the Senate. **Page S5982**

Year of the Military Family: Senate agreed to S. Res. 165, to encourage recognition of 2009 as the “Year of the Military Family”. **Pages S5982–83**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act:

Senate resumed 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.

Pages S5918–22, S5922–41

During consideration of this measure today, Senate also took the following action: By 84 yeas to 11 nays (Vote No. 203), 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 motion to proceed to consideration of the bill. **Page S5918**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Wednesday, June 3, 2009, and that all time during any adjournment, recess, or period of morning business count post-cloture. **Page S5983**

Excessive Pay Capped Deduction Act—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1007, to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer, and the bill then be referred to the Committee on Finance. **Page S5983**

Nomination Confirmed: Senate confirmed the following nomination:

Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency. **Pages S5917–18, S5984**

Nominations Received: Senate received the following nominations:

Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

Louis B. Susman, of Illinois, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland. **Page S5984**

Executive Communications: **Pages S5942–43**

Additional Cosponsors: **Pages S5943–45**

Statements on Introduced Bills/Resolutions: **Pages S5945–51**

Additional Statements: **Pages S5941–42**

Amendments Submitted: **Pages S5951–67**

Notices of Hearings/Meetings: Page S5967

Authorities for Committees to Meet: Page S5967

Text of H.R. 2346 as Previously Passed:
Pages S5967–80

Record Votes: One record vote was taken today.
(Total—203) Page S5918

Adjournment: Senate convened at 10 a.m. and adjourned at 7:15 p.m., until 9:30 a.m. on Wednesday, June 3, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S5983–84.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Nuclear Security Administration, after receiving testimony from Thomas P. D'Agostino, Under Secretary for Nuclear Security and Administrator of the National Nuclear Security Administration, Department of Energy.

APPROPRIATIONS: THE U.S. SECURITIES AND EXCHANGE COMMISSION AND THE COMMODITIES FUTURES TRADING COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Securities and Exchange Commission, and the Commodity Futures Trading Commission, after receiving testimony from Mary L. Schapiro, Chairman, United States Securities and Exchange Commission; and Gary Gensler, Chairman, United States Commodity Futures Trading Commission.

APPROPRIATIONS: DEPARTMENT OF THE NAVY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimate for fiscal year 2010 for the Department of the Navy, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Gary Roughead, Chief of Naval Operations, and General James T.

Conway, Commandant of the Marine Corps, all of the Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Admiral James G. Starvidis, USN for reappointment to the grade of admiral and to be Commander, United States European Command and Supreme Allied Commander, Europe, Lieutenant General Douglas M. Fraser, USAF to be general and Commander, United States Southern Command, who was introduced by Senator Murkowski, and Lieutenant General Stanley A. McChrystal, USA to be general and Commander, International Security Assistance Force and Commander, United States Forces Afghanistan, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Catherine Radford Zoi, of California, to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, and William F. Brinkman, of New Jersey, to be Director of the Office of Science, both of the Department of Energy, and Anne Castle, of Colorado, to be Assistant Secretary of the Interior, who was introduced by Senator Udall (CO), after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, after the nominee, who was introduced by Senator Kyl, testified and answered questions in his own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Rand Beers, of the District of Columbia, to be Under Secretary of Homeland Security for National Protection and Programs, after the nominee testified and answered questions in his own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 35 public bills, H.R. 2646–2670; 1 private bill, H.R. 2671; and 10 resolutions, H. Con. Res. 137; and H. Res. 489, 491–498, were introduced. **Pages H6074–75**

Additional Cosponsors: **Pages H6075–78**

Reports Filed: A report was filed on May 22, 2009 as follows:

H.R. 1886, to authorize democratic, economic, and social development assistance for Pakistan and to authorize security assistance for Pakistan, with an amendment (H. Rept. 111–129, Pt. 1).

Reports were filed today as follows:

H.R. 1709, to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, with an amendment (H. Rept. 111–130, Pt. 1); and

H. Res. 490, providing for consideration of the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and providing for consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (H. Rept. 111–131). **Pages H6073–74**

Speaker: Read a letter from the Speaker wherein she appointed Representative Larsen (WA) to act as Speaker pro tempore for today. **Page H6017**

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

Avra/Black Wash Reclamation and Riparian Restoration Project: H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; **Page H6019**

Central Texas Water Recycling Act of 2009: H.R. 1120, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project; **Pages H6019–20**

Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2009: H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of

2000 to authorize additional projects and activities under that Act; **Pages H6020–21**

Modifying a land grant patent issued by the Secretary of the Interior: H.R. 1280, to modify a land grant patent issued by the Secretary of the Interior; **Pages H6021–22**

Interchanging the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management: H.R. 689, amended, to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management; **Pages H6022–23**

Camp Hale Study Act: H.R. 2330, amended, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; **Pages H6023–24**

Directing the Secretary of the Interior to continue stocking fish in certain lakes: H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; **Pages H6024–25**

Native American Heritage Day Act of 2009: H.J. Res. 40, amended, to honor the achievements and contributions of Native Americans to the United States, by a $\frac{2}{3}$ ye-a-and-nay vote of 385 yeas with none voting “nay”, Roll No. 293; **Pages H6025–28, H6050**

Recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary: H. Res. 421, to recognize and commend the Great Smoky Mountains National Park on its 75th year anniversary, by a $\frac{2}{3}$ ye-a-and-nay vote of 392 yeas to 1 nay, Roll No. 292; **Pages H6028–29, H6049–50**

Josh Miller HEARTS Act: H.R. 1380, to establish a grant program for automated external defibrillators in elementary and secondary schools; **Pages H6029–31**

Anthony DeJuan Boatwright Act: H.R. 1662, to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; **Pages H6034–36**

Expressing the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the

United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France: H. Res. 259, amended, to express the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and to commend them for leadership and valor in an operation that helped bring an end to World War II; and

Pages H6036–38

Recognizing the twentieth anniversary of the suppression of protestors and citizens in and around Tiananmen Square in Beijing, People's Republic of China H. Res. 489, to recognize the twentieth anniversary of the suppression of protestors and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989 and to express sympathy to the families of those killed, tortured, and imprisoned in connection with the democracy protests in Tiananmen Square and other parts of China on June 3 and 4, 1989 and thereafter, by a $\frac{2}{3}$ yeas-and-nays vote of 396 yeas to 1 nay, Roll No. 294.

Pages H6040–49, H6050–51

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Congratulating the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory: H. Res. 196, to congratulate the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory;

Pages H6031–33

Recognizing and commending the Toys for Tots Literacy Program: H. Res. 232, to recognize and commend the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy; and

Pages H6033–34

Expressing sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009: H. Res. 471, amended, to express sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009.

Pages H6038–40

Recess: The House recessed at 4:25 p.m. and reconvened at 5:07 p.m.

Page H6040

Recess: The House recessed at 5:55 p.m. and reconvened at 6:40 p.m.

Page H6049

House Commission on Congressional Mailing Standards—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the House Commission on Congressional Mailing Standards: Representatives Daniel E. Lungren (CA), Price (GA), and McCarthy (CA).

Page H6049

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution.

Pages H6051–52

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H6017.

Senate Referral: S. Con. Res. 19 was referred to the Committee on Foreign Affairs.

Page H6070

Quorum Calls—Votes: Three yeas-and-nays votes developed during the proceedings of today and appear on pages H6049–50, H6050, and H6051. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 10 p.m.

Committee Meetings

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on the Secretary of Health and Human Services. Testimony was heard from Kathleen Sebelius, Secretary of Health and Human Services.

CIA

Committee on Appropriations: Select Intelligence Oversight Panel met in executive session to hold a hearing on the CIA. Testimony was heard from Leon Panetta, Director, CIA.

LUMBEE RECOGNITION ACT; THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of H.R. 31, the "Lumbee Recognition Act," under a closed rule providing one hour of general debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended. The

rule provides that the bill, as amended, shall be considered as read. The rule provides one motion to recommit with or without instructions.

The rule also provides for consideration of H.R. 1385, the “Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009,” under a structured rule. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, 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 for clause 10 of rule XXI. The rule makes in order only those amendments printed in the Rules Committee report. The rule provides that 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 this 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. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit H.R. 1385 with or without instructions. Testimony on H.R. 31 was heard from Chairman Rahall, Representatives McIntyre and Hastings of WA. Testimony on H.R. 1385 was heard from Chairman Rahall, Representatives Moran of VA, Hastings of WA and Goodlatte.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 3, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Education, 9:30 a.m., SD-124.

Subcommittee on Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget

estimates for fiscal year 2010 for the Department of the Interior, 9:45 a.m., SD-138.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to receive a closed briefing to examine electricity grid vulnerabilities to critical defense assets and missions, 10 a.m., SVC-217.

Subcommittee on Personnel, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for military family programs, policies, and initiatives, 2:30 p.m., SR-222.

Subcommittee on Strategic Forces, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for strategic forces programs, 2:30 p.m., SR-232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine a fresh start for new starts, 2 p.m., SD-538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine General Motors and Chrysler dealership closures, focusing on dealers and consumers, 2:30 p.m., SD-106.

Committee on Foreign Relations: to meet in closed session to receive a briefing from national security briefers, 11 a.m., SVC-217.

Full Committee, to hold hearings to examine the nominations of Eric P. Schwartz, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Andrew J. Shapiro, of New York, to be Assistant Secretary for Political-Military Affairs, both of the Department of State, 2:30 p.m., SD-419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration, 10 a.m., SD-342.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine pandemic flu, 2 p.m., SD-342.

Committee on the Judiciary: to hold hearings to examine The Uniting American Families Act, focusing on addressing inequalities in federal immigration law, 10 a.m., SD-226.

Special Committee on Aging: to hold hearings to examine the value of long-term care insurance, 2 p.m., SH-216.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing to review the future of forestry in the United States, 1:30 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, on Air Force Posture, 9 a.m., on Navy and Marine Corps Posture, 1:30 p.m., H-140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on the Secretary of Energy, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on the Secretary of Education, 2 p.m., 2359 Rayburn.

Committee on Armed Services, Defense Acquisition Reform Panel, hearing on Coordinating Requirements, Budgets,

and Acquisition: How Does It Affect Costs and Acquisition Outcomes, 8 a.m., 2212 Rayburn.

Subcommittee on Readiness, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request for Military Construction, Family Housing, Base Closure, Facilities Operations and Maintenance, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Challenges Facing the Economy: The View of the Federal Reserve, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the following bills: H.R. 2221 Data Accountability and Trust Act; H.R. 2309, Consumer Credit and Debt Protection Act; H.R. 2190, Mercury Pollution Reduction Act; and H.R. 1706, Protecting Consumer Access to Generic Drugs Act. 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing on draft legislation of the Food Safety Enhancement Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "The Present Condition and Future Status of Fannie Mae and Freddie Mac," 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Remittances: Regulation and Disclosure in a New Economic Environment," 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Competition Policy, hearing on Pay to Delay: Are Patent Settlements That Delay Generic Drug Market Entry Anticompetitive? 10 a.m., 2237 Rayburn.

Task Force on Judicial Impeachment, hearing to consider Possible Impeachment of United States District Judge Samuel B. Kent, 12 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 1061, Hoh Indian Tribe Safe Homelands Act; H.R. 2040, To authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property by the Samish Indian Nation into trust; and H.R. 1035, Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 626, Federal Employees Paid Parental Leave Act of 2009, 23 p.m., H-3113 Capitol.

Committee on Science and Technology, to mark up H.R. 2407, National Climate Service Act of 2009, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Common Ground: Finding Consensus on Health Reform, the Small Business Perspective," 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for FY 2010, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on a National Commitment to End Veterans Homelessness, 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, to mark up the following bills: H.R. 952, COMBAT PTSD Act; and H.R. 2270, Benefits for Qualified World War II Veterans Act of 2009, 2 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Human Capital, 4 p.m., 304 HVC Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 3

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 3

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 1817—The “John S. Wilder Post Office Building” Designation Act; (2) H.R. 2090—The “Frederic Remington Post Office Building” Designation Act; (3) H.R. 2173—The “Carl B. Smith Post Office” Designation Act; (4) H. Con. Res. 109—Honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation’s Capital; and (5) H. Res. 437—Supporting the goals and ideals of Mental Health Month. Consideration of H.R. 31—Lumbee Recognition Act (Subject to a Rule) and H.R. 1385—Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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