

# Daily Digest

## Senate

### Chamber Action

#### Routine Proceedings, pages S11239–S11258

**Measures Introduced:** Four bills and two resolutions were introduced, as follows: S. 2747–2750, and S. Res. 343–344. **Page S11253**

#### Measures Reported:

S. 1472, to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, with amendments. **Page S11253**

#### Measures Passed:

**Majority Party Committee Membership:** Senate agreed to S. Res. 343, to constitute the majority party’s membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen. **Page S11257**

**Shooting at Fort Hood, Texas:** Senate agreed to S. Res. 344, expressing the sense of the Senate regarding the tragic shooting at Fort Hood, Texas on November 5, 2009. **Page S11257**

#### Measures Considered:

**Military Construction and Veterans Affairs Appropriations Act—Agreement:** Senate continued consideration of H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S11239–45**

#### Pending:

Johnson/Hutchison Amendment No. 2730, in the nature of a substitute. **Page S11239**

Udall (NM) Amendment No. 2737 (to Amendment No. 2730), to make available from Medical

Services, \$150,000,000 for homeless veterans comprehensive service programs. **Page S11240**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 3 p.m., on Monday, November 9, 2009. **Page S11258**

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

Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

David S. Ferriero, of North Carolina, to be Archivist of the United States.

Barbara J. Bennett, of Virginia, to be Chief Financial Officer, Environmental Protection Agency. (Prior to this action, Committee on Environment and Public Works was discharged from further consideration.) **Pages S11257–58**

**Messages from the House:** **Page S11252**

**Measures Referred:** **Page S11252**

**Executive Communications:** **Pages S11252–53**

**Additional Cosponsors:** **Pages S11253–54**

**Statements on Introduced Bills/Resolutions:** **Pages S11254–55**

**Amendments Submitted:** **Pages S11255–57**

**Privileges of the Floor:** **Page S11257**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 12:34 p.m., until 2 p.m. on Monday, November 9, 2009. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S11258.)

### Committee Meetings

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 24 public bills, H.R. 4037–4060; and 10 resolutions, H. Con. Res. 210–211; and H. Res. 895–902 were introduced.

Pages H12586–88

**Additional Cosponsors:**

Pages H12588–89

**Report Filed:** A report was filed today as follows:

H. Res. 903, providing for consideration of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending (H. Rept. 111–330).

Page H12586

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

***Congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees:*** H. Res. 893, to congratulate the 2009 Major League Baseball World Series Champions, the New York Yankees, by a  $\frac{2}{3}$  ye-a-and-nay vote of 386 yeas to 17 nays with 11 voting “present,” Roll No. 866;

Pages H12461–62 H12494–96

***Small Business Disaster Readiness and Reform Act of 2009:*** H.R. 3743, amended, to amend the Small Business Act to improve the disaster relief programs of the Small Business Administration; and

Pages H12471–73

***Providing for the concurrence by the House in the Senate amendment to H.R. 1299, with an amendment:*** H. Res. 896, to provide for the concurrence by the House in the Senate amendment to H.R. 1299, with an amendment.

Pages H12477–87

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

***Small Business Microlending Expansion Act of 2009:*** H.R. 3737, amended, to amend the Small Business Act to improve the Microloan Program;

Pages H12466–69

***Amending the Small Business Act to modify certain provisions relating to women’s business centers:*** H.R. 1838, amended, to amend the Small Business Act to modify certain provisions relating to women’s business centers;

Pages H12469–71

***Small Business Development Centers Modernization Act of 2009:*** H.R. 1845, amended, to amend the Small Business Act to modernize Small Business Development Centers;

Pages H12473–77

***Expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week:*** H. Res. 700, amended, to express support for designation of the week beginning on November 9, 2009, as National School Psychology Week;

Pages H12487–88

***Honoring the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009 at Fort Hood, Texas:*** H. Res. 895, to honor the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009 at Fort Hood, Texas;

Pages H12488–93

***Expressing support for Chinese human rights activists Huang Qi and Tan Zuoren:*** H. Res. 877, to express support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008;

Pages H12535–40

***Recognizing the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace:*** H. Res. 892, to recognize the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace;

Pages H12540–44

***Honoring the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan and the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein:*** H. Res. 833, amended, to honor the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan and the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein; and

Pages H12544–46

***Recognizing the 30th anniversary of the Iranian hostage crisis:*** H. Con. Res. 209, to recognize the 30th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981.

Pages H12546–49

**Adjournment Resolution:** The House agreed to H. Con. Res. 210, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a ye-a-and-nay vote of 235 yeas to 179 nays, Roll No. 865.

Pages H12493–94

**Oath of Office—Twenty-Third Congressional District of New York:** Representative-elect William L. Owens presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Todd D. Valentine and Mr. Robert A. Brehm, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held November 3, 2009, the Honorable William L. Owens was elected Representative to Congress for the Twenty-Third Congressional District, State of New York.

**Pages H12495–96**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from New York, Mr. Owens, the whole number of the House is adjusted to 435.

**Page H12496**

**Moment of Silence:** The House observed a moment of silence in honor of the victims of the violence in Orlando, Florida today, November 6, 2009.

**Page H12497**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Thursday, November 5th:

**Corporal Joseph A. Tomci Post Office Building Designation Act:** H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the “Corporal Joseph A. Tomci Post Office Building”, by a  $\frac{2}{3}$  yeand-nay vote of 415 yeas to 1 nay, Roll No. 867 and

**Page H12496**

**Jack F. Kemp Post Office Building Designation Act:** 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”, by a  $\frac{2}{3}$  yeand-nay vote of 408 yeas with none voting “nay”, Roll No. 868.

**Pages H12497–98**

**Chemical Facility Anti-Terrorism Act of 2009:** The House passed H.R. 2868, to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, by a recorded vote of 230 yeas to 193 noes, Roll No. 875. Consideration of the measure began on Thursday, November 5th.

**Pages H12498–H12535**

Rejected the Dent motion to recommit the bill to the Committee on Homeland Security with instructions to report the same back to the House forthwith

with amendments, by a recorded vote of 189 yeas to 236 noes, Roll No. 874;

**Pages H12533–34**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 111–327 shall be considered as an original bill for the purpose of amendment under the 5-minute rule, in lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce now printed in the bill.

**Page H12498**

Agreed to amend the title so as to read: “To amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes.”.

**Page H12535**

Agreed to:

Hastings (FL) amendment (No. 3 printed in H. Rept. 111–327) that establishes a point of contact within the Office of Chemical Facility Security responsible for interagency coordination. Requires the Secretary to liaise with State Emergency Response Commissions and Local Emergency Planning Committees to update emergency planning and training procedures;

**Pages H12519–20**

Flake amendment (No. 6 printed in H. Rept. 111–327) that prevents earmarking in a new grant program established in the bill, and clarifies that Congress presumes that grants awarded through that program will be awarded on a competitive basis, and if they are not, requires the Secretary to submit a report to Congress as to why not;

**Pages H12524–25**

Schrader amendment (No. 7 printed in H. Rept. 111–327) that requires DHS to conduct a study on the scope and potential impacts of the provisions that require the use of safer processes or chemicals on manufacturers or retailers of pesticide or fertilizer;

**Page H12525**

Halvorson amendment (No. 9 printed in H. Rept. 111–327) that permits the Secretary to provide guidance, tools, methodologies, or software to assist small covered chemical facilities in complying with the security requirements;

**Pages H12527–28**

Foster amendment (No. 10 printed in H. Rept. 111–327) that directs the Secretary to establish appropriate protocols and security procedures for covered chemical facilities that are also Universities and Academic labs, separate from commercial chemical facilities; and

**Pages H12528–29**

Thompson (MS) manager’s amendment (No. 1 printed in H. Rept. 111–327) that makes a number of technical corrections and fixes typos and verbiage

issues (by a recorded vote of 253 ayes to 168 noes, Roll No. 869).

Pages H12515–17, H12529–30

Rejected:

Barton (TX) amendment (No. 2 printed in H. Rept. 111–327) that sought to place provisions in the bill allowing the new Federal chemical facility regulations enacted by this bill to preempt state and local laws that “hinder, pose obstacles to, or frustrate the purpose of the federal program” (by a recorded vote of 165 ayes to 262 noes, Roll No. 870);

Pages H12517–19, H12530

Dent amendment (No. 4 printed in H. Rept. 111–327) that sought to strike Title I, affecting chemical facilities, and replace it with an extension of the Department of Homeland Security’s current regulatory authority under section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (by a recorded vote of 186 ayes to 241 noes, Roll No. 871);

Pages H12520–22, H12530–31

Dent amendment (No. 5 printed in H. Rept. 111–327) that sought to strike section 2111, which requires assessments and implementation of methods to reduce the consequences of a terrorist attack (by a recorded vote of 193 ayes to 236 noes, Roll No. 872); and

Pages H12522–24, H12531–32

McCaul amendment (No. 8 printed in H. Rept. 111–327) that sought to strike the citizen enforcement section of the bill (by a recorded vote of 196 ayes to 232 noes, Roll No. 873).

Pages H12526–27, H12532

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

Page H12535

H. Res. 885, the rule providing for consideration of the bill, was agreed to on Thursday, November 5th.

**Presidential Message:** Read a message from the President wherein he notified Congress that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–75).

Page H12535

**Quorum Calls—Votes:** Four yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H12494, H12494–95, H12496–97, H12497–98, H12429–30, H12530, H12530–31, H12531–32, H12532, H12534 and H12534–35. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 2:26 a.m.

## Committee Meetings

### COMMITTEE PRINT—FINANCIAL STABILITY IMPROVEMENT ACT OF 2009

*Committee on Financial Services:* Continued consideration of the Committee Print of the Financial Stability Improvement Act of 2009.

Will continue November 17.

### PROHIBITING IMPORTS OF PYTHON SNAKES

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 2811, To amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal. Testimony was heard from Representative Meek of Florida; Dan Ashe, Deputy Director, Fish and Wildlife Service, Department of the Interior; and public witnesses.

### THE “AFFORDABLE HEALTH CARE FOR AMERICA ACT” AND THE “MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009”

*The Committee on Rules:* granted, by a record vote of 6 to 4, a rule providing for consideration of H.R. 3962, the Affordable Health Care for America Act, under a structured rule. The rule provides four hours of debate in the House to be equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI.

The rule provides that the amendment printed in part A of the Rules Committee report, perfected by the modification printed in part B of the report, shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended and provides that the bill, as amended, shall be considered as read.

The rule makes in order the further amendment printed in part C of the Rules Committee report if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 of rule XXI, shall be considered as read, shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The rule makes in order the further amendment in the nature of a substitute printed in part D of the Committee report, if offered

by Representative Boehner of Ohio or his designee, which shall be in order

without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule provides one motion to recommit with or without instructions, which shall be considered as read.

The rule provides that during consideration of an amendment printed in the Committee report accompanying this rule, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

The rule also provides for consideration of H.R. 3961, the Medicare Physician Payment Reform Act of 2009 under a closed rule. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI, and provides that the bill shall be considered as read. The rule waives all points of order against provisions of the bill. The rule provides one motion to recommit with or without instructions. The rule provides that in the engrossment of H.R. 3961, the Clerk shall add the text of H.R. 2920, as passed by the House, as new matter at the end of H.R. 3961. Testimony was heard from Chairmen Rangel and George Miller of California; Representatives Pallone, Stupak, Berkley, Jackson-Lee of Texas, Kagen, Klein of Florida, Johnson of Georgia, Kaptur, Dahlkemper, Barton of Texas, Deal of Georgia, Walden, Burgess, Blackburn, Gingrey of Georgia, Scalise, Pitts, Camp, Brady of Texas, Kline of Minnesota, McKeon, Roe of Tennessee, Sessions, Foxx, Emerson, Kirk, Lipinski, Fleming, Smith of New Jersey, and King of Iowa.

## Joint Meetings

### EMPLOYMENT

*Joint Economic Committee:* Committee concluded a hearing to examine the employment situation for October 2009, after receiving testimony from Keith Hall, Commissioner, Bureau of Labor Statistics.

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### COMMITTEE MEETINGS FOR SATURDAY, NOVEMBER 7, 2009

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings are scheduled.

#### House

No committee meetings are scheduled.

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### CONGRESSIONAL PROGRAM AHEAD

Week of November 9 through November 14,  
2009

#### Senate Chamber

On *Monday*, at approximately 3 p.m., Senate will resume consideration of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act. Also, at 4:30 p.m., Senate will begin consideration of the nomination of Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit, and after a period of debate, vote on confirmation of the nomination at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

#### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* November 10, Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine ending veterans' homelessness, 10 a.m., SD-538.

November 10, Full Committee, to hold hearings to examine protecting consumers from overdraft fees, focusing on the Fairness and Accountability in Receiving Overdraft Coverage Act, 3 p.m., SD-538.

*Committee on the Budget:* November 10, to hold hearings to examine bipartisan process proposals for long-term fiscal stability, 9:30 a.m., SD-608.

*Committee on Energy and Natural Resources:* November 10, to hold hearings to examine policy options for reducing greenhouse gas emissions, 10 a.m., SD-366.

*Committee on Environment and Public Works:* November 9, Subcommittee on Water and Wildlife, to hold hearings to examine S. 1816, to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program, and S. 1311, to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico, 3 p.m., SD-406.

*Committee on Finance:* November 10, to hold hearings to examine climate change legislation, focusing on considerations for future jobs, 10 a.m., SD-215.

*Committee on Foreign Relations:* November 10, to hold hearings to examine protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 21, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (Treaty Doc. 111-04), protocol Amending the Convention between the

United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on December 1, 2008, at Washington (Treaty Doc. 111-03), convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on August 8, 2008, at Valletta (Treaty Doc. 111-01), treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), and international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), 9 a.m., SD-419.

November 10, Full Committee, to receive a briefing on Sudan, 10:30 a.m., SVC-217.

November 10, Full Committee, business meeting to consider S. 1524, to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, S. 1739, to promote freedom of the press around the world, S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, proposed legislation deploring the rape and assault of women in Guinea and the killing of political protesters, H. Con. Res. 36, calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share

the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date (Treaty Doc. 110-21), the nominations of Jose W. Fernandez, of New York, to be Assistant Secretary for Economic, Energy, and Business Affairs, William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, John F. Tefft, of Virginia, to be Ambassador to Ukraine, Michael C. Polt, of Tennessee, to be Ambassador to the Republic of Estonia, and Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, all of the Department of State, and James LaGarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development, and routine lists in the Foreign Service, 2:15 p.m., S-116, Capitol.

*Committee on Health, Education, Labor, and Pensions:* November 10, Subcommittee on Children and Families, to hold hearings to examine H1N1 and paid sick days, 9:30 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* November 10, to hold hearings to examine the nominations of Erroll G. Southers, of California, to be Assistant Secretary of Homeland Security, and Daniel I. Gordon, of the District of Columbia, to be Administrator for Federal Procurement Policy, 10 a.m., SD-342.

*Committee on the Judiciary:* November 10, to hold hearings to examine strengthening our criminal justice system, focusing on extending the Innocence Protection Act, 10 a.m., SD-226.

*Select Committee on Intelligence:* November 10, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S-407, Capitol.

### House Committees

No committee meetings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, November 9

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Saturday, November 7

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act. Also, at 4:30 p.m., Senate will begin consideration of the nomination of Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit, and after a period of debate, vote on confirmation of the nomination at 5:30 p.m.

House Chamber

**Program for Saturday:** Consideration of H.R. 3962—Affordable Health Care for America Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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