

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 1540, National Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S8619–S8691

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1996–2007, and S. Res. 348. **Pages S8679–80**

Measures Reported:

H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the “Sergeant Matthew J. Fenton Post Office”.

H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the “Sergeant Angel Mendez Post Office”.

S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, with an amendment. **Page S8679**

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 92, directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540. **Page S8664**

Fallen Heroes of 9/11 Act: Senate passed H.R. 3421, to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. **Page S8689**

Enrollment Correction: Senate agreed to H. Con. Res. 93, providing for a correction to the enrollment of the bill H.R. 2845. **Pages S8689–90**

Targeting Transnational Drug Trafficking Act: Committee on the Judiciary was discharged from

further consideration of S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8690**

Durbin (for Feinstein/Grassley) Amendment No. 1464, in the nature of a substitute. **Page S8690**

40th Anniversary of the National Cancer Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 347, recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment, and the resolution was then agreed to. **Pages S8690–91**

Measures Considered:

Middle Class Tax Relief and Job Creation Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 3630, to provide incentives for the creation of jobs. **Page S8673**

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, a vote on cloture will occur on Saturday, December 17, 2011. **Page S8673**

Conference Reports:

National Defense Authorization Act: By 86 yeas to 13 nays (Vote No. 230), Senate agreed to the conference report to accompany H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S8632–S8664**

Nomination Confirmed: Senate confirmed the following nomination:

By 95 yeas to 3 nays (Vote No. EX. 231), Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

Pages S8625–28, S8664–65, S8691

Nominations Received: Senate received the following nominations:

Michael A. Raynor, of Maryland, to be Ambassador to the Republic of Benin.

Jacob Waller, of Delaware, to be Ambassador to the Tunisian Republic.

Sharon Block, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

Richard F. Griffin, Jr., of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2016.

Rachel L. Brand, of Iowa, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2017.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2012.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2013.

11 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

A routine list in the Foreign Service. **Page S8691**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014, which was sent to the Senate on January 26, 2011. **Page S8691**

Messages from the House: **Page S8677**

Measures Referred: **Page S8677**

Measures Read the First Time: **Pages S8677, S8691**

Executive Communications: **Pages S8677–78**

Executive Reports of Committees: **Page S8679**

Additional Cosponsors: **Pages S8680–81**

Statements on Introduced Bills/Resolutions: **Pages S8681–88**

Additional Statements: **Pages S8676–77**

Amendments Submitted: **Page S8689**

Authorities for Committees to Meet: **Page S8689**

Privileges of the Floor: **Page S8689**

Record Votes: Two record votes were taken today. (Total—231) **Pages S8664–65**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:03 p.m., until 10 a.m. on Friday, December 16, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8691.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Michael T. Scuse, of Delaware, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Coons, and Chester John Culver, of Iowa, who was introduced by Senators Harkin and Grassley, and Bruce J. Sherrick, of Illinois, both to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Michael A. Sheehan, of New Jersey, to be an Assistant Secretary, and Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, both of the Department of Defense, and 832 nominations in the Army, Navy, and Air Force.

GENETICALLY ENGINEERED FISH

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine environmental risks of genetically engineered fish, after receiving testimony from Ronald L. Stotish, AquaBounty Technologies, Inc., Waltham, Massachusetts; John Epifanio, Illinois Natural History Survey, Champaign; George H. Leonard, Ocean Conservancy Aquaculture Program, Santa Cruz, California; and Paul Greenberg, New York, New York.

BUSINESS MEETING

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

S. 1108, to provide local communities with tools to make solar permitting more efficient, with an amendment;

S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, with amendments;

S. 1149, to expand geothermal production, with amendments;

S. 1160, to improve the administration of the Department of Energy, with an amendment in the nature of a substitute; and

The nomination of Arunava Majumdar, of California, to be Under Secretary of Energy.

NUCLEAR REGULATORY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the Nuclear Regulatory Commission's near-term task force recommendations for enhancing reactor safety in the 21st century, after receiving testimony from Gregory B. Jaczko, Chairman, and Kristine L. Svinicki, George Apostolakis, William D. Magwood IV, and William C. Ostendorff, each a Commissioner, all of the Nuclear Regulatory Commission.

TRAFFICKING NARCOTICS IN THE CARIBBEAN

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean, after receiving testimony from William R. Brownfield, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Rodney G. Benson, Assistant Administrator, Chief of Intelligence, Drug Enforcement Administration, Department of Justice; Liliana Ayalde, Senior Deputy Assistant Administrator, Latin America and Caribbean Bureau, United States Agency for International Development; Eduardo A. Gamarra, Florida International University, Miami; and Douglas Farah, International Assessment and Strategy Center, Alexandria, Virginia.

IMPROVING GOVERNANCE IN THE DEMOCRATIC REPUBLIC OF CONGO

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine improving governance in the Democratic Republic of Congo, after receiving testimony from Johnnie Carson, Assistant Secretary of State for African Affairs; Mark Schneider, International Crisis Group, and Mvemba Phezo Dizolele, Stanford University Hoover Institution on War, Revolution and Peace, both of Washington, D.C.; and Anthony W. Gambino, Eastern Congo Initiative (ECI), Bethesda, Maryland.

PRESCRIPTION DRUG SHORTAGES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine prescription drug shortages, focusing on examining a public health concern and potential solutions, and if the Food and Drug Administration's ability to respond should be strengthened, after receiving testimony from Senator Klobuchar; Sherry Glied, Assistant Secretary for Planning and Evaluation, and Sandra Kweder, Deputy Director, Office of New Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, both of the Department of Health and Human Services; Marcia Crosse, Director, Health Care, Government Accountability Office; Murray Aitken, IMS Institute for Healthcare Informatics, Parsippany, New Jersey; Ralph G. Neas, Generic Pharmaceutical Association, Washington, D.C.; and John Maris, The Children's Hospital of Philadelphia, Philadelphia, Pennsylvania.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, with an amendment;

S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels; and

The nomination of Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 3673–3695; and 4 resolutions, H.J. Res. 93; and H. Res. 497–499 were introduced.

Pages H9005–07

Additional Cosponsors:

Pages H9007–08

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (H. Rept. 112–331) and

H. Res. 500, providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes (H. Rept. 112–332).

Pages H9005, H9004–H9397

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today.

Page H8969

Recess: The House recessed at 11:41 a.m. and reconvened at 12 noon.

Page H8980

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 330 yeas to 83 nays with 2 answering "present", Roll No. 933.

Page H8990

Recess: The House recessed at 12:33 p.m. and reconvened at 1:15 p.m.

Page H8994

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

Welfare Integrity and Data Improvement Act: H.R. 3659, amended, to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012.

Pages H8984–90

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on December 13th:

United States Marshals Service 225th Anniversary Commemorative Coin Act: H.R. 886, amend-

ed, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, by a $\frac{2}{3}$ recorded vote of 412 yeas to 1 no with 1 answering "present", Roll No. 934.

Page H8991

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, December 14th:

Rattlesnake Mountain Public Access Act of 2011: H.R. 2719, to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, by a $\frac{2}{3}$ recorded vote of 416 yeas with none voting "no", Roll No. 935 and

Pages H8991–92

Providing for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska: H.R. 443, amended, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, by a $\frac{2}{3}$ recorded vote of 407 yeas to 4 noes, Roll No. 936.

Pages H8992–93

Recess: The House recessed at 4:37 p.m. and reconvened at 10:56 p.m.

Page H9004

Recess: The House recessed at 10:58 p.m. and reconvened at 12:56 a.m. on December 16th.

Page H9004

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H8984 and H9004.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H8990, H8991, H8992 and H8992–93. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:58 a.m. on Friday, December 16, 2011.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on the Budget: Full Committee held a markup of H.R. 3521, the "Expedited Line-Item Veto and Rescissions Act of 2011." The bill was ordered reported, as amended.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing on H.R. 3606, the “Reopening American Capital Markets to Emerging Growth Companies Act of 2011.” Testimony was heard from public witnesses.

HOMELESS CHILDREN AND YOUTH

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled “The Homeless Children and Youth Act of 2011: Proposals to Promote Economic Independence for Homeless Children and Youth.” Testimony was heard from Alicia Puente Cackley, Director, Financial Markets and Community Investment, Government Accountability Office; Seth Diamond, Commissioner, New York City Department of Homeless Services; Maria Estella Garza, Homeless Liaison, San Antonio Independent School District; Mark Johnston, Deputy Assistant Secretary for Special Needs, Office of Community Planning and Development, Department of Housing and Urban Development; Barbara Poppe, Executive Director, U.S. Interagency Council on Homelessness; Grace Whitney, Director, Connecticut Head Start State Collaboration Office, Connecticut State Department of Education; and public witnesses.

COLLAPSE OF MF GLOBAL

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “The Collapse of MF Global.” Testimony was heard from Dan M. Berkovitz, General Counsel, Commodity Futures Trading Commission; Robert Cook, Director, Division of Trading and Markets, Securities and Exchange Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a markup of the following: H.R. 3401, to apply counterinsurgency tactics under a coordinated and targeted strategy to combat the terrorist insurgency in Mexico waged by transnational criminal organizations, and for other purposes; and H.R. 2542, to withhold twenty percent of United States assessed and voluntary contributions to the Organization of American States (OAS) for every permanent council meeting that takes place where Article 20 of the Inter-American Charter is not invoked with regard to Venezuela’s recent constitutional reforms, and for other purposes. H.R. 3401 was forwarded without amendment. H.R. 2542 was forwarded, as amended.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee began markup of H.R. 3261, the “Stop Online Piracy Act.”

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing on the following: the Harris Neck National Wildlife Refuge and How the Federal Government Obtained Title to This Land and Promises Made to the Original Landowners; H.R. 1171, the “Marine Debris Act Reauthorization Amendments of 2011”; and S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes. Testimony was heard from Rep. Farr; Rep. Kingston; Cindy Dohner, Regional Director, Fish and Wildlife Service; Holly Bamford, Deputy Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration; and public witnesses.

WHAT THE EURO CRISIS MEANS FOR TAXPAYERS AND THE U.S. ECONOMY

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled “What the Euro Crisis Means for Taxpayers and the U.S. Economy, Pt. I.” Testimony was heard from public witnesses.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012; DISASTER RELIEF APPROPRIATIONS ACT, 2012; AND DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 3672

Committee on Rules: Full Committee held a hearing on the following: H.R. 2055, the “Appropriations Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012; H.R. 3672, the “Appropriations Disaster Relief Appropriations Act, 2012”; and H. Con. Res. 94, the “Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672”. The Committee granted, by record vote of 7 to 2, a rule waiving all points of order against the conference report to accompany H.R. 2055 and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one

hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII. The resolution also provides a closed rule for H.R. 3672 with one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill and provides that it shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. The resolution further provides a closed rule for H. Con. Res. 94. The rule provides 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the concurrent resolution and provides that it shall be considered as read. The rule waives all points of order against provisions in the concurrent resolution. The rule provides one motion to recommit without instructions. The rule provides that the Clerk shall not transmit to the Senate a message that the House has passed H.R. 3672 until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of H. Con. Res. 94 as adopted by the House. The rule provides that it shall be in order at any time through the legislative day of December 16, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure continuing appropriations for the fiscal year ending September 30, 2012. Finally, the rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported through the legislative day of December 31, 2011, providing for consideration or disposition of any of the following measures: (1) a measure relating to expiring provisions of the Internal Revenue Code of 1986; (2) a measure relating to the Medicare payment system for physicians; and (3) a measure relating to appropriations for the fiscal year ending September 30, 2012.

Testimony was heard from Chairman Rogers of Kentucky.

MEDICAL LOSS RATIOS

Committee on Small Business: Subcommittee on Investigations, Oversight and Regulations held a hearing entitled “New Medical Loss Ratios: Increasing Health Care Value or Just Eliminating Jobs?” Testimony was heard from public witnesses.

CALIFORNIA’S HIGH-SPEED RAIL PLAN

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled “California’s High-Speed Rail Plan: Skyrocketing Costs & Project Concerns.” Testimony was heard from Rep. McCarthy; Rep. Cardoza; Rep. Nunes; Rep. Costa; Rep. Rohrabacher; Rep. Zoe Lofgren of California; Rep. Loretta Sanchez of California; Joseph Szabo, Administrator, Federal Railroad Administration; Jerry Amante, Mayor, Tustin, California and Member, Orange County Transportation Authority Board of Directors; Ashley Swearingin, Mayor, Fresno, California; and public witnesses.

VOW TO HIRE HEROES ACT OF 2011

Committee on Veterans’ Affairs: Subcommittee on Economic Opportunity held a hearing entitled “Reviewing the Implementation of the VOW to Hire Heroes Act of 2011.” Testimony was heard from Ismael Ortiz, Jr., Acting Assistant Secretary, Veterans’ Employment and Training Service, Department of Labor; and Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, Department of Veterans Affairs.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 16, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled “Changing Energy Markets and Their Geopolitical Implications.” 10 a.m., 2200 Rayburn.

Committee on House Administration, Full Committee, markup of H. Res. 496, adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress. 10:30 a.m., 1310 Longworth.

Committee on Oversight and Government Reform, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled “What the Euro Crisis Means for Taxpayers and the U.S. Economy, Pt. II.” 9:30 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, December 16

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 16

Senate Chamber

Program for Friday: Senate will be in a period of morning business until 12 noon.

House Chamber

Program for Friday: Consideration of the conference report to accompany H.R. 2055—Military construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012 (Subject to a Rule). Consideration of H.R. 3672—Disaster Relief Appropriations Act, 2012 (Subject to a Rule). Consideration of H. Con. Res. 94—Directing the clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672 (Subject to a Rule). Consideration of the following suspensions: (1) Senate Amendment to H.R. 1892—Intelligence Authorization Act for Fiscal Year 2011 and (2) Senate Amendment to H.R. 2867—United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.



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