

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3459–3534*

**Measures Introduced:** Eleven bills and two resolutions were introduced, as follows: S. 3223–3233, and S. Res. 470–471. **Pages S3515–16**

#### Measures Reported:

S. 414, to protect girls in developing countries through the prevention of child marriage. (S. Rept. No. 112–170)

S. 2276, to permit Federal officers to remove cases involving crimes of violence to Federal court, with an amendment in the nature of a substitute. **Page S3514**

#### Measures Passed:

*21st Century Language Act:* Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 2367, to strike the word “lunatic” from Federal law, and the bill was then passed. **Page S3534**

*John F. Kennedy Center Reauthorization Act:* Senate passed H.R. 4097, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts. **Page S3534**

#### Measures Considered:

*Food and Drug Administration Safety and Innovation Act—Agreement:* Senate began consideration of S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S3459–79, S3479–S3509**

##### Adopted:

Harkin/Enzi Amendment No. 2122, in the nature of a substitute. (By unanimous consent, the amendment will be considered as original text for the purpose of further amendment.) **Page S3479**

Cardin Amendment No. 2125, to ensure that adequate information is disseminated to health care providers and payors about the potential benefits and

risks of medical products on all patient populations, particularly underrepresented subpopulations, including racial subgroups. **Pages S3497, S3500**

Cardin/Landrieu Amendment No. 2141, to require the Commissioner of Food and Drugs to report to Congress on issues with respect to small businesses. **Pages S3497–S3500, S3500–01**

Grassley Amendment No. 2121, to provide employee protections for the Commissioned Corps of the Public Health Service Act. **Pages S3491–92**

Grassley Amendment No. 2129, to provide deadlines for the issuance of certain regulations and to require a GAO report on the implementation of the clinical trial registration and reporting requirements under the Public Health Service Act. **Pages S3490–91**

Manchin Modified Amendment No. 2151, to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug. **Page S3506**

Harkin (for Reed) Amendment No. 2126, to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products. **Pages S3506–09**

##### Pending:

Durbin/Blumenthal Amendment No. 2127, to require manufacturers of dietary supplements to register dietary supplement products with the Food and Drug Administration. **Pages S3482–85**

Sanders Amendment No. 2109, to revoke the exclusivity of certain entities that are responsible for violations of the Federal Food, Drug, and Cosmetic Act, the False Claims Act, and other certain laws. **Pages S3485–88**

Coburn/Burr Amendment No. 2131, to require an independent assessment of the Food and Drug Administration’s review of drug applications. **Pages S3488–89**

Coburn/Burr Amendment No. 2132, to provide that a portion of the performance awards of each employee of the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Biologics Evaluation and Research be connected to an evaluation of the employee’s contribution to goals under the user fee agreements. **Pages S3489–90**

Burr/Coburn Amendment No. 2130, to ensure transparency in Food and Drug Administration user fee agreement negotiations. **Pages S3492–95**

Murkowski Amendment No. 2108, to prohibit approval by the Food and Drug Administration of genetically engineered fish unless the National Oceanic and Atmospheric Administration concurs with such approval. **Pages S3495–97**

Paul Amendment No. 2143, to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, to prohibit employees of the Food and Drug Administration from carrying firearms and making arrests without warrants, and to adjust the mens rea of certain prohibited acts under the Federal Food, Drug, and Cosmetic Act to knowing and willful. **Pages S3501–06**

A unanimous-consent-time agreement was reached providing that the only first-degree amendments in order to the bill be the following: Bingaman Amendment No. 2111; McCain Amendment No. 2107; Sanders Amendment No. 2109; Murkowski Amendment No. 2108; Cardin Amendment No. 2125; Cardin Amendment No. 2141; Grassley Amendment No. 2121; Grassley Amendment No. 2129; Manchin Modified Amendment No. 2151; Portman Modified Amendment No. 2146; Portman Modified Amendment No. 2145; Reed Amendment No. 2126; Coburn Amendment No. 2132; Coburn Amendment No. 2131; Durbin Amendment No. 2127; Paul Amendment No. 2143; and Burr Amendment No. 2130; that there be no second-degree amendments in order prior to the votes in relation thereto; that there be no motions or points of order to the amendments or the bill other than budget points of order and the applicable motions to waive or motions to table; that there be up to 30 minutes of debate on each of the amendments, with the exception of McCain Amendment No. 2107 which will have 2 hours of debate, and 60 minutes on the bill with all time equally divided in the usual form; that at 2 p.m. on Thursday, May 24, 2012, all debate time be considered expired and the Senate vote on or in relation to the amendments in the order listed above; that there be two minutes of debate equally divided in the usual form prior to each vote; that all after the first vote be 10 minute votes; that the following amendments be subject to a 60 affirmative vote threshold: Bingaman Amendment No. 2111; McCain Amendment No. 2107; Sanders Amendments No. 2109; and Murkowski Amendment No. 2108; that upon disposition of the amendments, the bill be read a third time, and Senate vote on passage of the bill, as amended. **Page S3479**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, May 24, 2012. **Page S3534**

#### Appointments:

*United States Commission on International Religious Freedom:* The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appointed the following individual to the United States Commission on International Religious Freedom: Mary Ann Glendon of Massachusetts, vice Leonard Leo. **Page S3534**

*Stop the Student Loan Interest Rate Hike Act—Agreement:* A unanimous-consent-time agreement was reached providing that upon disposition of S. 3187, Senate proceed to the consideration of S. 2343, to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans; that the only amendment in order to the bill be an amendment from the Republican Leader, or his designee, the text of which is identical to S. 2366; that there be 10 total minutes of debate on the amendment and the bill, equally divided between the two Leaders, or their designees, prior to a vote on the McConnell, or designee, amendment; that no amendment be in order to the McConnell, or designee, amendment; that no motions or points of order be in order to the amendment or the bill other than budget points of order and the applicable motions to waive; that upon disposition of the amendment, Senate vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60 affirmative vote threshold; that if the bill does not achieve 60 affirmative votes, S. 2343 be returned to the Calendar; and the motion to reconsider with respect to the cloture vote on the motion to proceed to S. 2343 be withdrawn. **Page S3479**

#### Measures Placed on the Calendar:

**Pages S3459, S3513**

**Executive Communications: Pages S3513–14**

**Executive Reports of Committees: Pages S3514–15**

**Additional Cosponsors: Pages S3516–17**

**Statements on Introduced Bills/Resolutions: Pages S3517–19**

**Additional Statements: Pages S3512–13**

**Amendments Submitted: Pages S3519–33**

**Notices of Hearings/Meetings: Page S3533**

**Authorities for Committees to Meet:**

Pages S3533–34

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:39 p.m., until 9:30 a.m. on Thursday, May 24, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3534.)

**Committee Meetings***(Committees not listed did not meet)***GUARD AND RESERVE BUDGET OVERVIEW**

*Committee on Appropriations:* Subcommittee on Department of Defense concluded a hearing to examine the fiscal year 2013 Guard and Reserve budget overview, after receiving testimony from General Craig R. McKinley, USAF, Chief, National Guard Bureau, Lieutenant General William E. Ingram, Jr., USA, Director, Army National Guard, Lieutenant General Harry M. Wyatt III, USAF, Director, Air National Guard, Lieutenant General Jack Stultz, USA, Chief, Army Reserve, Vice Admiral Dirk Debbink, USN, Chief, Navy Reserve, Lieutenant General Steven A. Hummer, USMC, Director, Reserve Affairs, and Lieutenant General Charles E. Stenner, Jr., USAF, Chief, Air Force Reserve, all of the Department of Defense.

**AUTHORIZATION: DEFENSE**

*Committee on Armed Services:* Subcommittee on Strategic Forces met in closed session and approved for full committee consideration those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2013.

**BUSINESS MEETING**

*Committee on Armed Services:* Committee ordered favorably reported the nomination of Katharina G. McFarland, of Virginia, to be an Assistant Secretary of Defense, and 655 nominations in the Army, Navy, Air Force and Marine Corps.

Also, committee began consideration of the proposed National Defense Authorization Act for fiscal year 2013, but did not complete action thereon, and will meet again on Thursday, May 24, 2012.

**UNITED STATES–CHINA STRATEGIC AND ECONOMIC DIALOGUE**

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Security and International Trade and Finance concluded a hearing to examine reviewing the United States-China strategic and economic dialogue, after receiving testimony from Stephen S. Roach, Yale University, New Canaan, Connecticut;

C. Fred Bergsten, Peterson Institute for International Economics, Annandale, Virginia; John R. Dearie, Financial Services Forum, Great Falls, Virginia; and Dean C. Garfield, Information Technology Industry Council, Washington, DC.

**HEALTH CARE DELIVERY**

*Committee on Finance:* Committee concluded a hearing to examine progress in health care delivery, focusing on innovations from the field, after receiving testimony from Richard Migliori, UnitedHealth Group, Minnetonka, Minnesota; Lee Sacks, Advocate Health Care, Oak Brook, Illinois; Marc Malloy, Renaissance Medical Management Company, Wayne, Pennsylvania; and Paul J. Diaz, Kindred Healthcare, Louisville, Kentucky.

**LAW OF THE SEA CONVENTION**

*Committee on Foreign Relations:* Committee concluded a hearing to examine The Law of the Sea Convention (Treaty Doc. 103–39), focusing on the United States National Security and Strategic Imperatives for Ratification, after receiving testimony from Hillary Rodham Clinton, Secretary of State; and Leon E. Panetta, Secretary, and General Martin E. Dempsey, USA, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

**SECRET SERVICE**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the Secret Service, focusing on trust and confidence, after receiving testimony from Mark Sullivan, Director, United States Secret Service, and Charles K. Edwards, Acting Inspector General, both of the Department of Homeland Security.

**PROTECTING OUR CHILDREN**

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine protecting our children, focusing on the importance of training child protection professionals, after receiving testimony from Melodee Hanes, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice; Victor I. Vieth, Winona State University National Child Protection Training Center, Winona, Minnesota; Michael V. Johnson, Boy Scouts of America, Irving, Texas; Chris Newlin, National Children's Advocacy Center, Huntsville, Alabama; and Stephanie M. Smith, Northwest Arkansas Community College National Child Protection Training Center, Bentonville, Arkansas.

## INTEGRATED DISABILITY EVALUATION SYSTEM

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine a review of the Integrated Disability Evaluation System, focusing on seamless transition and preliminary observations on efforts to im-

prove performance, after receiving testimony from Jo Ann Rooney, Acting Under Secretary of Defense for Personnel and Readiness; John R. Gingrich, Chief of Staff, Department of Veterans Affairs; and Daniel Bertoni, Director, Education, Workforce, and Income Security, Government Accountability Office.

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# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Friday, May 25, 2012 in pro forma session.

## Committee Meetings

No hearings were held.

## Joint Meetings

### DEMOCRATIZATION IN THE CAUCASUS

*Commission on Security and Cooperation in Europe:* Commission concluded a hearing to examine democratization in the Caucasus, focusing on elections in Armenia, Azerbaijan, and Georgia, and how far free and fair elections have come in the Caucasus, and what the United States can do to promote progress in upcoming elections, after receiving testimony from Tom de Waal, Carnegie Endowment for International Peace, Cory Welt, George Washington University Institute for European, Russian and Eurasian Studies, Christopher Walker, Freedom House, Stephen B. Nix, International Republican Institute, and Anthony Bowyer, International Foundation for Electoral Systems, all of Washington, DC.

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## COMMITTEE MEETINGS FOR THURSDAY, MAY 24, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* business meeting to markup proposed budget estimates for fiscal year 2013 for Department of State, Foreign Operations, and Related Agencies, 10:30 a.m., SD-106.

*Committee on Armed Services:* closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2013, 8:30 a.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine "The Responsible Homeowner Refinancing Act of 2012", 10 a.m., SD-538.

*Committee on Foreign Relations:* to hold hearings to examine the global implications of poaching in Africa, focusing on ivory and insecurity, 10:30 a.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine efforts to reform information technology spending, focusing on innovating with less, 10 a.m., SD-342.

*Committee on Indian Affairs:* to hold an oversight hearing to examine programs and services for native veterans, 12:45 p.m., SD-628.

*Committee on the Judiciary:* business meeting to consider S. 2076, to improve security at State and local courthouses, S. 2370, to amend title 11, United States Code, to make bankruptcy organization more efficient for small business debtors, the nominations of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, Paul William Grimm, to be United States District Judge for the District of Maryland, John E. Dowdell, to be United States District Judge for the Northern District of Oklahoma, Mark E. Walker, to be United States District Judge for the Northern District of Florida, Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida, and Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission, 10 a.m., SD-226.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 9 a.m., SH-219.

### House

No hearings are scheduled.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, May 24

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, May 25

## Senate Chamber

**Program for Thursday:** Senate will continue consideration of S. 3187, Food and Drug Administration Safety and Innovation Act, with a series of votes on or in relation to amendments and passage of the bill at approximately 2 p.m.

Upon disposition of S. 3187, Food and Drug Administration Safety and Innovation Act, Senate will begin consideration of S. 2343, Stop the Student Loan Interest Rate Hike Act, with votes on or in relation to a McConnell, or designee, amendment and passage of the bill.

## House Chamber

**Program for Friday:** The House will meet in pro forma session at 10 a.m.



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