

# Daily Digest

## HIGHLIGHTS

See *Résumé of Congressional Activity*.

Senate passed National Defense Authorization bills.

## Senate

### Chamber Action

*Routine Proceedings, pages S8079–S8159*

**Measures Introduced:** Seven bills and two resolutions were introduced, as follows: S. 1933–1939, S. Res. 342, and S. Con. Res. 33. **Pages S8148–49**

#### Measures Reported:

S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, and with an amended preamble.

S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, with an amendment in the nature of a substitute.

S. 1792, to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children. **Page S8148**

#### Measures Passed:

*Department of Defense Authorization Act:* By 93 yeas to 7 nays (Vote No. 218), Senate passed S. 1867, 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, after taking action on the following amendments proposed thereto: **Pages S8094–8138**

Adopted:

Begich Modified Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for mem-

bers of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Pages S8094, S8116–17**

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts. **Pages S8095, S8116**

Levin (for Reed) Modified Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category. **Pages S8095, S8116–17**

Levin Modified Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Pages S8095, S8116–17**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Pages S8095, S8109, S8115–16, S8116**

Chambliss Modified Amendment No. 1304, to require a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes. **Pages S8095, S8116–17**

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training. **Pages S8095, S8116**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command. **Pages S8095, S8116**

Ayotte (for Blunt/Gillibrand) Modified Amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty. **Pages S8095, S8116–17**

Ayotte (for Murkowski) Modified Amendment No. 1287, to provide limitations on the retirement of C-23 aircraft. **Pages S8095, S8116-17**

McCain (for Brown (MA)) Modified Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service. **Pages S8094-95, S8115, S8116-17**

By 99 yeas to 1 nay (Vote No. 215), Feinstein Amendment No. 1456, of a perfecting nature. **Pages S8123-24, S8125**

By a unanimous vote of 100 yeas (Vote No. 216), Levin (for Menendez/Kirk) Amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran. **Pages S8095, S8105-07, S8125-26**

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Pages S8095, S8126**

Leahy Modified Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Pages S8127-28**

Udall (NM)/Schumer Modified Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense. **Pages S8095, S8128**

#### Rejected:

By 45 yeas to 55 nays (Vote No. 213), Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8094, S8095-S8105, S8107-08**

By 45 yeas to 55 nays (Vote No. 214), Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031. **Pages S8094, S8110-11, S8122-23, S8124-25**

By 41 yeas to 59 nays (Vote No. 217), Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force. **Pages S8095, S8113-15, S8126-27**

#### Withdrawn:

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Pages S8094, S8107**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station,

Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Pages S8094, S8117**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Pages S8094, S8117**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Pages S8095, S8122**

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Pages S8095, S8122**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8095, S8126**

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

Chair sustained a point of order under Rule XXII, that the following amendments were not germane, and the amendments thus fell:

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad. **Page S8095**

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program. **Page S8095**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S8095**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S8095**

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law. **Page S8095**

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

**Page S8095**

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

**Page S8095**

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

**Page S8095**

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

**Page S8095**

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

**Page S8095**

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

**Page S8095**

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

**Page S8095**

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

**Page S8095**

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

**Page S8095**

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

**Page S8095**

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

**Page S8095**

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

**Page S8095**

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

**Page S8095**

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

**Page S8095**

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

**Page S8095**

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

**Page S8095**

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program.

**Page S8095**

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

**Page S8095**

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon.

**Page S8095**

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

**Page S8095**

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

**Page S8094**

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

**Page S8094**

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

**Page S8095**

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

**Page S8095**

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

**Page S8095**

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies. **Page S8095**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S8095**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Page S8094**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Page S8094**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies. **Page S8094**

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. **Page S8094**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S8094**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Page S8094**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Page S8094**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S8094**

Chair sustained a point of order that the following amendment is dilatory under cloture, and the amendment thus fell:

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S8094**

Chair sustained a point of order that the following amendment is drafted improperly, and the amendment thus fell:

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S8095**

*National Defense Authorization Act:* Committee on Armed Services was discharged from further consideration of 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, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1867, as amended. **Page S8138**

Senate insisted on its amendment, requested a conference with the House on the disagreeing votes of the two Houses, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Lieberman, Reed, Akaka, Nelson (NE), Webb, McCaskill, Udall (CO), Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Inhofe, Sessions, Chambliss, Wicker, Brown (MA), Portman, Ayotte, Collins, Graham, Cornyn, and Vitter. **Page S8138**

*National Guard and Reservist Debt Relief Extension Act:* Senate passed H.R. 2192, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days. **Pages S8158–59**

#### Measures Considered:

**Payroll Tax Relief:** Senate continued consideration of the motion to proceed to consideration of S. 1917, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8138–39**

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

By 51 yeas to 49 nays (Vote No. 219), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn. **Page S8139**

**Payroll Tax Relief:** Senate began consideration of the motion to proceed to consideration of the motion to proceed to S. 1931, to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes. **Page S8139**

By 20 yeas to 78 nays (Vote No. 220), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

**Halligan Nomination—Cloture:** Senate began consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit. **Page S8140**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 1, 2011, a vote on cloture will occur on Tuesday, December 6, 2011. **Page S8140**

A unanimous-consent agreement was reached providing that on Tuesday, December 6, 2011, at 11 a.m., Senate resume consideration of the nomination; that there be one hour for debate equally divided in the usual form prior to the cloture vote. **Page S8140**

**Judicial Nominations—Agreement:** A unanimous-consent agreement was reached providing that at 4:30 p.m., on Monday, December 5, 2011, Senate begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, under the order of Friday, November 18, 2011. **Page S8159**

**Nominations Received:** Senate received the following nominations:

Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

A routine list in the Army. **Page S8159**

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

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services, which was sent to the Senate on January 26, 2011. **Page S8159**

**Messages from the House:** **Page S8146**

**Measures Placed on the Calendar:** **Pages S8079, S8146**

**Executive Communications:** **Pages S8146–48**

**Executive Reports of Committees:** **Page S8148**

**Additional Cosponsors:** **Pages S8149–51**

**Statements on Introduced Bills/Resolutions:** **Pages S8151–57**

**Additional Statements:** **Pages S8144–45**

**Amendments Submitted:** **Page S8157**

**Notices of Hearings/Meetings:** **Page S8157**

**Authorities for Committees to Meet:** **Pages S8157–58**

**Privileges of the Floor:** **Page S8158**

**Record Votes:** Eight record votes were taken today. (Total—220) **Pages S8107–08, S8125–27, S8137, S8139**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 9:52 p.m., until 2 p.m. on Monday, December 5, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8159.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### **WALL STREET REFORM AND CONSUMER PROTECTION ACT OVERSIGHT**

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine continuing oversight of the "Wall Street Reform and Consumer Protection Act," after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; and Mary L. Schapiro, Chairman, U.S. Securities and Exchange Commission.

### **JOB GROWTH THROUGH CAPITAL FORMATION**

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine spurring job growth through capital formation while protecting investors, including S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 1831, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, S. 1824, to amend the securities laws to establish certain thresholds for shareholder registration under that Act, S. 1544, to amend the Securities Act

of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act, and H.R. 2930, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, after receiving testimony from Senators Hutchison, Pryor, and Brown (MA); Meredith B. Cross, Director, Division of Corporation Finance, United States Securities and Exchange Commission; Jack E. Herstein, Assistant Director, Nebraska Department of Banking and Finance, Bureau of Statistics, Washington, D.C., on behalf of the North American Securities Administrators Association, Inc.; John C. Coffee, Jr., Columbia University Law School, Scott Cutler, NYSE Euronext, and Edward S. Knight, NASDAQ OMX Group, all of New York, New York; and Christopher T. Gheysens, Wawa, Inc., Wawa, Pennsylvania.

### IRAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine United States strategic objectives towards Iran, after receiving testimony from Wendy Sherman, Under Secretary of State for Political Affairs; and David S. Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence.

### MEDICATING AMERICA'S FOSTER CHILDREN

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the financial and societal costs of medicating America's foster children, focusing on if the Department of Health and Human Services' guidance could help states improve oversight of psychotropic prescriptions, after receiving testimony from Gregory D. Kutz, Director, Forensic Audits and Investigative Service, Government Accountability Office; Bryan Samuels, Commissioner, Administration on Children, Youth and Families, Administration for Children and Families, Department of Health and Human Services; Matt Salo, National Association of Medicaid Directors (NAMD), Alexandria, Virginia; Jon McClellan, University of Washington, Seattle; and Ke'onte Cook, McKinney, Texas.

### INSIDER TRADING AND CONGRESSIONAL ACCOUNTABILITY

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine insider trading and congressional accountability, including S. 1871, to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and S. 1903, to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, after receiving testimony from Senators Gillibrand and Brown (MA); Melanie Sloan, Citizens for Responsibility and Ethics in Washington, Donald C. Langevoort, Georgetown University Law Center, and Robert L. Walker, Wiley Rein LLP, all of Washington, D.C.; Donna M. Nagy, Indiana University Maurer School of Law, Bloomington; and John C. Coffee, Jr., Columbia University Law School, New York, New York.

ities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and S. 1903, to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, after receiving testimony from Senators Gillibrand and Brown (MA); Melanie Sloan, Citizens for Responsibility and Ethics in Washington, Donald C. Langevoort, Georgetown University Law Center, and Robert L. Walker, Wiley Rein LLP, all of Washington, D.C.; Donna M. Nagy, Indiana University Maurer School of Law, Bloomington; and John C. Coffee, Jr., Columbia University Law School, New York, New York.

### DEFICIT REDUCTION AND JOB CREATION

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country, including S. 1684, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, after receiving testimony from Doug O'Brien, Deputy Under Secretary of the Interior for Rural Development; Geoffrey C. Blackwell, Chief, Office of Native Affairs and Policy, Federal Communications Commission; Jefferson Keel, and Jacqueline Johnson-Pata, both of the National Congress of American Indians, Washington, D.C.; Ben Shelly, Navajo Nation, Window Rock, Arizona; Cedric Cromwell, Mashpee Wampanoag Tribe, Mashpee, Massachusetts; and Pearl E. Casias, Southern Ute Indian Tribe, Ignacio, Colorado.

### BUSINESS MEETING

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

S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children;

S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, with an amendment in the nature of a substitute; and

The nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 15 public bills, H.R. 3533–3547; and 4 resolutions, H. Con. Res. 91; and H. Res. 480–482 were introduced. **Pages H8074–76**

**Additional Cosponsors:** **Page H8076**

**Reports Filed:** Reports were filed today as follows:

H.R. 2845, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (H. Rept. 112–297 Pt. 1);

S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (H. Rept. 112–298);

H.R. 1158, to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes, with an amendment (Rept. 112–299);

H.R. 2172, to facilitate the development of wind energy resources on Federal lands, with an amendment (H. Rept. 112–300 Pt. 1);

H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, with an amendment (H. Rept. 112–301);

H.R. 2803, to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States, with amendments (H. Rept. 112–302);

H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (H. Rept. 112–303);

H.R. 2360, to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (H. Rept. 112–304);

H.R. 2351, 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 (H. Rept. 112–305);

H.R. 1556, to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (H. Rept. 112–306);

H.R. 1461, to authorize the Mescalero Apache Tribe to lease adjudicated water rights (H. Rept. 112–307);

H.R. 991, to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973, with an amendment (H. Rept. 112–308);

H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes, with an amendment (H. Rept. 112–309);

H.R. 306, to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge, with an amendment (H. Rept. 112–310); and

H. Res. 479, providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (H. Rept. 112–311). **Page H8074**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative West to act as Speaker pro tempore for today. **Page H8001**

**Recess:** The House recessed at 11:28 a.m. and reconvened at 12 noon. **Page H8011**

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Dr. Cathy Jones, Parkwood Institutional CME Church, Charlotte, North Carolina. **Page H8011**

**Terminating taxpayer financing of presidential election campaigns and party conventions and terminating the Election Assistance Commission:** The House passed H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, by a recorded vote of 235 ayes to 190 noes, Roll No. 873. **Pages H8016–32, H8032–34**

Rejected the Bishop (GA) motion to recommit the bill to the Committee on House Administration with instructions to report the same back to the

House forthwith with an amendment, by a ye-and-nay vote of 190 yeas to 236 nays, Roll No. 872.

**Pages H8032–34**

H. Res. 477, the rule that is providing for consideration of H.R. 3463, H.R. 527, and H.R. 3010, was agreed to yesterday, November 30th.

**Recess:** The House recessed at 1:56 p.m. and reconvened at 2:05 p.m.

**Page H8032**

**Regulatory Flexibility Improvements Act of 2011:** The House passed H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, by a recorded vote of 263 yeas to 159 noes, Roll No. 880.

**Pages H8034–56**

Rejected the Loretta Sanchez motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 188 yeas to 233 noes, Roll No. 879.

**Pages H8054–55**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business now printed in the bill.

**Page H8041**

Agreed to:

Critz amendment (No. 1 printed in part A of H. Rept. 112–296) that requires the estimated cumulative impact on small businesses of any other rule stemming from the implementation of the Free Trade Agreements.

**Page H8044**

Rejected:

Jackson Lee amendment (No. 2 printed in part A of H. Rept. 112–296) that sought to exempt all rules promulgated by the Department of Homeland Security (by a recorded vote of 173 yeas to 244 noes, Roll No. 874);

**Pages H8044–46, H8050–51**

Cohen amendment (No. 3 printed in part A of H. Rept. 112–296) that sought to exempt from the bill any rule that relates to food safety, workplace safety, consumer products safety, air or water quality (by a recorded vote of 171 yeas to 248 noes, Roll No. 875);

**Pages H8046–47, H8051**

Peters amendment (No. 4 printed in part A of H. Rept. 112–296) that sought to exempt from the bill all rules that OMB determines would result in net job creation (by a recorded vote of 179 yeas to 243 noes, Roll No. 876);

**Pages H8047–48, H8052**

Jackson Lee amendment (No. 5 printed in part A of H. Rept. 112–296) that sought to require a GAO report to determine the cost of carrying out the Act and the effect it will have on federal agency rule

making. In addition, the report would need to contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency (by a recorded vote of 172 yeas to 250 noes, Roll No. 877); and

**Pages H8048–49, H8052–53**

Johnson (GA) amendment (No. 6 printed in part A of H. Rept. 112–296) that sought to create an exception for any rule making to carry out the FDA Food Safety Modernization Act (by a recorded vote of 170 yeas to 250 noes, Roll No. 878).

**Pages H8049–50, H8053–54**

H. Res. 477, the rule that is providing for consideration of H.R. 3463, H.R. 527, and H.R. 3010, was agreed to yesterday, November 30th.

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measure which was debated on November 30th:

*Designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”:* H. Res. 364, to designate room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”, by a  $\frac{2}{3}$  ye-and-nay vote of 419 yeas with none voting “nay”, Roll No. 881.

**Pages H8056–57**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8011–12.

**Quorum Calls—Votes:** Two ye-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H8033–34, H8034, H8050–51, H8051, H8052, H8052–53, H8053, H8055, H8055–56, H8056–57. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:37 p.m.

## Committee Meetings

### USDA INSPECTOR GENERAL AUDITS

*Committee on Agriculture:* Subcommittee on Department Operations, Oversight, and Credit held a hearing to review updates on USDA Inspector General Audits, including SNAP fraud detection efforts and IT compliance. Testimony was heard from Phyllis K. Fong, Inspector General, Office of Inspector General, Department of Agriculture.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Communications and Technology held a markup of the “Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011.” The bill was forwarded, as amended.



**FHA SINGLE-FAMILY INSURANCE FUND**

*Committee on Financial Services:* Full Committee held a hearing entitled “Perspectives on the Health of the FHA Single-family Insurance Fund.” Testimony was heard from Mathew Scire, Director, Financial Markets and Community Investment, Government Accountability Office; and public witnesses.

**FEDERAL HOUSING FINANCE AGENCY**

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing entitled “Oversight of the Federal Housing Finance Agency.” Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; and public witnesses.

**DEMOCRACY HELD HOSTAGE IN NICARAGUA**

*Committee on Foreign Affairs:* Full Committee held a hearing entitled “Democracy Held Hostage in Nicaragua: Part I.” Testimony was heard from public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on the Judiciary:* Full Committee held a markup of the following: H.R. 2572, the “Clean Up Government Act of 2001”; and H.R. 1433, the “Private Property Rights Protection Act of 2011”. H.R. 2572 was ordered reported, as amended. The Committee began markup of H.R. 1433.

**LEGISLATIVE MEASURES**

*Committee on Natural Resources:* Full Committee held a hearing on the following: H.R. 594, the “Coastal Jobs Creation Act of 2011”; H.R. 1013, the “Strengthen Fisheries Management in New England Act of 2011”; H.R. 1646, the “American Angler Preservation Act”; H.R. 2304, the “Fishery Science Improvement Act of 2011”; H.R. 2610, the “Asset Forfeiture Fund Reform and Distribution Act of 2011”; H.R. 2753, the “Fishery Management Transparency and Accountability Act”; H.R. 2772, the “Saving Fishing Jobs Act of 2011”; and H.R. 3061, the “Flexibility and Access in Rebuilding American Fisheries Act of 2011”. Testimony was heard from Rep. Frank of Massachusetts; Rep. Pallone; Rep. Jones; Rep. Wittman; Rep. Runyan; Rep. Keating; Eric Schwaab, Assistant Administrator, National Marine Fisheries Service; and public witnesses.

**HHS AND THE CATHOLIC CHURCH**

*Committee on Oversight and Government Reform:* Full Committee held a hearing entitled “HHS and the Catholic Church: Examining the Politicization of Grants.” Testimony was heard from George Sheldon, Acting Assistant Secretary, Administration for Children and Families, Department of Health and

Human Services; and Eskinder Negash, Director, Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

**REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011**

*Committee on Rules:* Full Committee held a hearing on H.R. 10, the “Regulations from the Executive in Need of Scrutiny Act of 2011.” The Committee granted, by a vote of 6 to 4, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, as modified by the amendment in part A of the Rules Committee report, shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as original text for the purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those further amendments printed in part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The rule provides that during any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly. Finally, the rule provides that clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

Testimony was heard from Rep. Gowdy; Rep. Johnson of Georgia; and Rep. Sessions.

**MISCELLANEOUS MEASURES**

*Committee on Science, Space, and Technology:* Full Committee held a markup of H.R. 3479, the Natural

Hazards Risk Reduction Act of 2011. The bill was ordered reported, as amended.

### CYBER SECURITY: PROTECTING YOUR SMALL BUSINESS

*Committee on Small Business:* Subcommittee on Healthcare and Technology held a hearing entitled “Cyber Security: Protecting Your Small Business.” Testimony was heard from Rep. Thornberry; and public witnesses.

### COAST GUARD OPERATIONS IN THE ARCTIC

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled “Protecting U.S. Sovereignty: Coast Guard Operations in the Arctic.” Testimony was heard from Admiral Robert J. Papp, Commandant, United States Coast Guard; and Mead Treadwell, Lieutenant Governor, Alaska.

### MISCELLANEOUS MEASURES

*House Permanent Select Committee on Intelligence:* Full Committee held a markup of the “Cyber Intelligence Sharing and Protection Act of 2011.” The bill was ordered reported, as amended.

## Joint Meetings

No joint committee meetings were held.

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### COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 2, 2011

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings scheduled.

#### House

*Committee on Agriculture,* Full Committee, business meeting to consider the issuance of a subpoena to compel the attendance of a witness at the subsequent hearing to examine the MF Global Bankruptcy, 9:30 a.m., 1300 Longworth.

*Committee on Energy and Commerce,* Subcommittee on Energy and Power, hearing entitled “Expediting the Keystone XL Pipeline: Energy Security and Jobs.” 10 a.m., 2123 Rayburn.

*Committee on Natural Resources,* Subcommittee on Water and Power, hearing on the following: H.R. 976, to terminate certain hydropower reservations, and for other pur-

poses; and H.R. 3263, the “Lake Thunderbird Efficient Use Act of 2011.” 10 a.m., 1324 Longworth.

*Subcommittee on National Parks, Forests and Public Lands,* hearing on the following: H.R. 1038, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 1237, to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; H.R. 2157, to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; H.R. 2490, to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; H.R. 2504, the “Coltsville National Historical Park Act”; H.R. 2745 to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; H.R. 2947, to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; H.R. 3222, to designate certain National Park System land in Olympic National Park as wilderness or potential wilderness, and for other purposes; H.R. 3452, the “Wasatch Range Recreation Access Enhancement Act”; and S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. 10 a.m., 1300 Longworth.

*Committee on Veterans' Affairs,* Full Committee, hearing on Understanding and Preventing Veteran Suicide, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Social Security, hearing series entitled “Securing the Future of the Social Security Disability Insurance (SSDI) Program.” The focus of this hearing is the history of the disability insurance program, the income security it provides and its financing challenges. 10:30 a.m., B-318 Rayburn.

### Joint Meetings

*Commission on Security and Cooperation in Europe:* to hold hearings to examine combating anti-Semitism in the Organization for Security and Cooperation in Europe region, focusing on taking stock of the situation today, including initiatives designed to target violent and other manifestations of anti-Semitism in the fifty-six North American and European countries that comprise the Organization for Security and Cooperation in Europe (OSCE), 10 a.m., 2203, Rayburn Building.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 5 through November 30, 2011

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	155	156	..
Time in session .....	1,014 hrs., 41'	903 hrs., 15'	..
Congressional Record:			
Pages of proceedings .....	8,078	8,000	..
Extensions of Remarks .....	..	2,143	..
Public bills enacted into law .....	17	45	62
Private bills enacted into law .....	..	..	..
Bills in conference .....	2	2	..
Measures passed, total .....	368	326	..
Senate bills .....	52	15	..
House bills .....	49	157	..
Senate joint resolutions .....	4	3	..
House joint resolutions .....	3	5	..
Senate concurrent resolutions .....	17	6	..
House concurrent resolutions .....	14	20	..
Simple resolutions .....	229	120	..
Measures reported, total .....	*170	*266	436
Senate bills .....	121	2	..
House bills .....	20	179	..
Senate joint resolutions .....	1	..	..
House joint resolutions .....	..	3	..
Senate concurrent resolutions .....	2	..	..
House concurrent resolutions .....	..	2	..
Simple resolutions .....	26	80	..
Special reports .....	15	29	..
Conference reports .....	1	1	..
Measures pending on calendar .....	164	73	..
Measures introduced, total .....	2,336	4,191	6,527
Bills .....	1,932	3,532	..
Joint resolutions .....	32	91	..
Concurrent resolutions .....	32	90	..
Simple resolutions .....	340	478	..
Quorum calls .....	5	3	..
Yea-and-nay votes .....	212	245	..
Recorded votes .....	..	622**	..
Bills vetoed .....	..	..	..
Vetoes overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 5 through November 30, 2011

Civilian nominations, totaling 482, disposed of as follows:	
Confirmed .....	275
Unconfirmed .....	193
Withdrawn .....	14
Other Civilian nominations, totaling 3,451, disposed of as follows:	
Confirmed .....	2,743
Unconfirmed .....	703
Withdrawn .....	5
Air Force nominations, totaling 5,956, disposed of as follows:	
Confirmed .....	5,516
Unconfirmed .....	440
Army nominations, totaling 5,789, disposed of as follows:	
Confirmed .....	5,246
Unconfirmed .....	543
Navy nominations, totaling 3,405, disposed of as follows:	
Confirmed .....	3,340
Unconfirmed .....	65
Marine Corps nominations, totaling 1,249, disposed of as follows:	
Confirmed .....	1,249
<i>Summary</i>	
Total nominations carried over from the First Session .....	0
Total nominations received this Session .....	20,332
Total confirmed .....	18,369
Total unconfirmed .....	1,944
Total withdrawn .....	19
Total returned to the White House .....	0

\*These figures include all measures reported, even if there was no accompanying report. A total of 97 written reports have been filed in the Senate, 296 reports have been filed in the House.

\*\*Proceedings on Roll Call No. 484 were vacated by unanimous consent.

## Next Meeting of the SENATE

2 p.m., Monday, December 5

## Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 2

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, with votes on confirmation of the nominations at 5:30 p.m.

## House Chamber

**Program for Friday:** Consideration of H.R. 3010—Regulatory Accountability Act of 2011 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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