

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8421–S8467

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 1963–1976, S.J. Res. 33, and S. Res. 346. **Pages S8460–61**

Measures Reported:

S. 1400, to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, with an amendment in the nature of a substitute. (S. Rept. No. 112–100)

S. 678, to increase the penalties for economic espionage, with an amendment.

S. 1886, to prevent trafficking in counterfeit drugs. **Page S8460**

Measures Passed:

Civilian Service Recognition Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, and the bill was then passed. **Page S8466**

Enrollment Correction: Senate agreed to H. Con. Res. 86, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061. **Page S8466**

Tariff Act of 1930: Senate passed S. 1974, to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act. **Pages S8466–67**

Measures Considered:

Payroll Tax Relief: Senate continued consideration of the motion to proceed to consideration of S. 1944, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8429–45**

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

By 50 yeas to 48 nays (Vote No. 224), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed to consideration of the bill, having failed to achieve 60 affirmative votes, the motion to proceed to consideration of the bill, was not agreed to.) **Pages S8444–45**

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was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn.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 S8434**

Temporary Tax Holiday and Government Reduction Act: Senate began consideration of the motion to proceed to consideration of S. 1931, to provide civilian payroll tax relief, to reduce the Federal budget deficit. **Page S8445**

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

By 22 yeas to 76 nays (Vote No. 225), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed to consideration of the bill, having failed to achieve 60 affirmative votes, the motion to proceed to consideration of the bill, was not agreed to.) **Page S8445**

House Messages:

Missouri and Illinois Compact: Senate concurred in the amendment of the House of Representatives to S.J. Res. 22, to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years. **Page S8466**

Cordray Nomination—Cloture: Senate resumed consideration of the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection. **Pages S8422–29**

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

By 53 yeas to 45 nays, 1 responding present (Vote No. 223), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Pages S8428–29**

Eisen Nomination—Cloture: Senate began consideration of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic. **Page S8454**

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 8, 2011, a vote on cloture will occur at 5:30 p.m. on Monday, December 12, 2011. **Page S8454**

Aponte Nomination—Cloture: Senate began consideration of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. **Page S8454**

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 8, 2011, a vote on cloture will occur upon disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic. **Page S8454**

Eisen and Aponte Nominations—Agreement: A unanimous-consent-time agreement was reached providing that Senate resume consideration of the nominations of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador at 4:30 p.m., on Monday, December 12, 2011, that there be one hour for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on the motion to invoke cloture on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic; and that if cloture is invoked, Senate immediately vote on confirmation of the nomination; and that following disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Senate vote on the motion to invoke cloture on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. **Page S8454**

Messages from the House: **Pages S8459–60**
Measures Referred: **Page S8460**
Enrolled Bills Presented: **Page S8460**
Executive Reports of Committees: **Page S8460**
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Statements on Introduced Bills/Resolutions:

Pages S8462–65

Additional Statements: **Page S8459**

Notices of Hearings/Meetings: **Page S8465**

Authorities for Committees to Meet:

Pages S8465–66

Record Votes: Three record votes were taken today. (Total—225) **Pages S8429, S8444–45**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 6:25 p.m., until 2 p.m. on Monday, December 12, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8467.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner, Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, Ajit Varadaraj Pai, of Kansas, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission.

ICANN'S EXPANSION OF TOP LEVEL DOMAINS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the Internet Corporation for Assigned Names and Numbers (ICANN)'s expansion of top level domains, after receiving testimony from Fiona M. Alexander, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce; Kurt Pritz, Internet Corporation for Assigned Names and Numbers (ICANN), Marina del Rey, California; Daniel L. Jaffe, Association of National Advertisers (ANA), Washington, D.C.; Angela F. Williams, YMCA of the USA, Chicago, Illinois; and Esther Dyson, New York, New York.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy, after the nominee testified and answered questions in his own behalf.

DOMESTIC AND GLOBAL WATER SUPPLY ISSUES

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine opportunities and challenges to address domestic and global water supply issues, after receiving testimony from Anne Castle, Assistant Secretary of the Interior for Water and Science; L. Jerry Hansen, Principal Deputy Assistant Secretary of the Army for Installations, Energy and Environment, Department of Defense; Aaron Salzberg, Special Coordinator on Water Resources, Bureau of Oceans and International Environmental and Scientific Affairs; Harry T. Stewart, New Hampshire Department of Environmental Services Water Division Director, Concord; Peter H. Gleick, Pacific Institute, Oakland, California; Thomas Stanley, GE Power and Water, Water and Process Technologies, Trevoise, Pennsylvania; Anthony Willardson, Western States Water Council, Murray, Utah; and Melissa L. Meeker, South Florida Water Management District, West Palm Beach.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, with an amendment;

S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in the State of Rhode Island;

S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, with an amendment in the nature of a substitute;

S. 1740, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; and

Proposed resolutions relating to the General Services Administration.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy, Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, and Earl W. Gast,

of California, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

LONG-TERM UNEMPLOYED

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine barriers facing the long-term unemployed, after receiving testimony from Christine Owens, National Employment Law Project, Washington, D.C.; Reverend Marvin A. Moss, Cascade United Methodist Church, Atlanta, Georgia; Donna Stebbins, Phoenix, Arizona; and John Meyer, Winner, South Dakota.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, with an amendment in the nature of a substitute; and

S. 1065, to settle land claims within the Fort Hall Reservation.

STATE AND FEDERAL TAX POLICY

Committee on Indian Affairs: Committee concluded an oversight hearing to examine state and Federal tax policy, focusing on building new markets in Indian country, after receiving testimony from Kevin W. Leecy, Bois Forte Band of Chippewa, Nett Lake, Minnesota; Peter Ortego, Ute Mountain Ute Tribe, Towaoc, Colorado; and Steven J. Gunn, Washington University in St. Louis, St. Louis, Missouri.

BUSINESS MEETING

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

S. 1886, to prevent trafficking in counterfeit drugs;

S. 678, to increase the penalties for economic espionage, with an amendment; and

The nomination of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice.

INTELLIGENCE

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

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 3605–3629, were introduced.

Pages H8317–18

Additional Cosponsors:

Pages H8319–20

Reports Filed: Reports were filed today as follows:

H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, with an amendment (H. Rept. 112–318 Pt. 1);

H.R. 1466, to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (H. Rept. 112–319 Pt. 1);

H.R. 1740, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, with an amendment (H. Rept. 112–320);

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 (H. Rept. 112–321);

H.R. 3069, to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (H. Rept. 112–322); and

H.R. 2829, to promote transparency, accountability, and reform within the United Nations system, and for other purposes, with an amendment (H. Rept. 112–323).

Page H8317

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller (MI) to act as Speaker pro tempore for today.

Page H8265

Recess: The House recessed at 9:50 a.m. and reconvened at 10:30 a.m.

Page H8271

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 312 ayes to 94 noes with 1 answering "present", Roll No. 905.

Pages H8265, H8273–74

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, December 7th:

Synthetic Drug Control Act of 2011: H.R. 1254, amended, to amend the Controlled Substances Act to place synthetic drugs in Schedule I, by a $\frac{2}{3}$ recorded vote of 317 ayes to 98 noes, Roll No. 904.

Pages H8272–73

Farm Dust Regulation Prevention Act of 2011: The House passed H.R. 1633, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter and to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, by a recorded vote of 268 ayes to 150 noes, Roll No. 912.

Pages H8274–96

Rejected the DeGette motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 166 ayes to 252 noes, Roll No. 911.

Pages H8294–96

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Page H9282

Agreed to:

Crawford amendment (No. 3 printed in H. Rept. 112–317) that directs the Environmental Protection Agency Administrator to consult with the Secretary of Agriculture when modifying National Ambient Air Quality Standards with respect to "nuisance dust" under exceptions provided in Sec. 132(b) of the Farm Dust Regulation Prevention Act of 2011;

Pages H8284–85

Flake amendment (No. 6 printed in H. Rept. 112–317) that adds sense of Congress language regarding an approach to excluding so-called "exceptional events" (like massive dust storms that are not controllable or preventable) from determinations of whether an area is in compliance with the coarse particulate matter standard; and

Page H8287

Schock amendment (No. 7 printed in H. Rept. 112–317) that requires the EPA to take agriculture jobs and the economic impact on the agriculture industry into account before they issue any new regulations relating to agriculture. If a proposed regulation is found to cause the loss of more than 100 agriculturally related jobs or a decrease in more than \$1,000,000 in agriculturally related economic activity then EPA has to give notice to the State's Congressional Delegation, Governor, and Legislature, and also hold a public hearing in the impacted State.

Pages H8287–89

Rejected:

Rush amendment (No. 1 printed in H. Rept. 112–317) that sought to clarify that nothing in the bill precludes the EPA Administrator from enforcing National Ambient Air Quality Standards (NAAQS)

for PM2.5 and would delete section 3, which allows the EPA to regulate “nuisance dust” in areas where states and localities do not do so if it substantially hurts public health and if the benefits of applying standards would outweigh the costs (by a recorded vote of 150 ayes to 255 noes, Roll No. 906);

Pages H8282–83, H8290–91

Christensen amendment (No. 2 printed in H. Rept. 112–317) that sought to allow the EPA the authority under the Clean Air Act to step in and take action to reduce dangerous particle pollution if state, local, or tribal laws are not sufficient to protect public health (by a recorded vote of 159 ayes to 250 noes, Roll No. 907); **Pages H8283–84, H8291–92**

Markey amendment (No. 4 printed in H. Rept. 112–317) that sought to ensure that particulate matter containing arsenic and other heavy metals that are hazardous to human health is not nuisance dust and remains subject to the Clean Air Act (by a recorded vote of 165 ayes to 249 noes, Roll No. 908);

Pages H8285–86, H8292

Waxman amendment (No. 5 printed in H. Rept. 112–317) that sought to require that particulate pollution produced from mining activities is not defined as “nuisance dust” and thus remains subject to the Clean Air Act (by a recorded vote of 158 ayes to 257 noes, Roll No. 909); and

Pages H8286–87, H8292–93

Al Green amendment (No. 8 printed in H. Rept. 112–317) that sought to require EPA to provide a report of the increase or decrease in the number of jobs as a result of enactment of the bill (by a recorded vote of 170 ayes to 247 noes, Roll No. 910).

Pages H8289–90, H8293–94

H. Res. 487, the rule providing for consideration of the bill, was agreed to by a recorded vote of 249 ayes to 161 noes, Roll No. 903, after the previous question was ordered by a yea-and-nay vote of 241 yeas to 173 nays, Roll No. 902.

Pages H8267–71, H8271–72

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12 noon on Monday, December 12th for morning hour debate and 2 p.m. for legislative business. **Page H8299**

Senate Messages: Messages received from the Senate today appear on pages H8266–67 and H8296.

Senate Referrals: S. 1958 was referred to the Committee on Financial Services. **Page H8316**

Quorum Calls—Votes: One yea-and-nay vote and 10 recorded votes developed during the proceedings of today and appear on pages H8271–72, H8272, H8273, H8273–74, H8291, H8291–92, H8292,

H8293, H8293–94, H8295–96, and H8296. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 5:15 p.m.

Committee Meetings

MF GLOBAL BANKRUPTCY

Committee on Agriculture: Full Committee held a hearing on the Examination of MF Global bankruptcy. Testimony was heard from Jill Sommers, Commissioner, Commodity Futures Trading Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunities held a markup of the following: H.R. 3559, the “Insurance Data Protection Act”; H.R. 2446, the “RESPA Home Warranty Clarification Act of 2011”; and H.R. 3298, the “Homes for Heroes Act of 2011”. The following were forwarded, without amendments: H.R. 3559; H.R. 2446; and H.R. 3298.

GLOBAL INTERNET FREEDOM

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled “Promoting Global Internet Freedom.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Response, and Communications held a markup of the following: the H.R. 3563, “Integrated Public Alert Warning System Modernization Act of 2011”; H.R. 1411, to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; and H.R. 1129, to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes. The following were reported, as amended: H.R. 3563; H.R. 1411; and H.R. 1129.

PASSENGER SCREENING TECHNOLOGY AT U.S. AIRPORTS

Committee on Homeland Security: Subcommittee on Transportation Security held a hearing entitled “A Review of Passenger Screening Technology at U.S. Airports.” Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration; Caryn Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland

Security; Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; Cedric Sims, Executive Director, Office of Program Accountability and Risk Management, Management Directorate, Department of Homeland Security; Charles K. Edwards, Acting Inspector General, Office of the Inspector General, Department of Homeland Security; and Stephen Lord, Director, Homeland Security and Justice Issues, Government Accountability Office.

UNITED STATES DEPARTMENT OF JUSTICE

Committee on the Judiciary: Full Committee held a hearing on the United States Department of Justice. Testimony was heard from Eric Holder, Attorney General, Department of Justice.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2055,

making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, but did not complete action thereon, and recessed subject to the call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1292)

H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts. Signed on December 7, 2011. (Public Law 112–63)

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 9, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE
2 p.m., Monday, December 12

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will resume consideration of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. At 5:30 p.m., Senate will vote on the motion to invoke cloture on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and if cloture is invoked on the nomination, Senate will vote on

confirmation of the nomination. Following disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Senate will vote on the motion to invoke cloture on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador.

Next Meeting of the HOUSE OF REPRESENTATIVES
11 a.m., Friday, December 9

House Chamber

Program for Friday: The House will meet in pro forma session at 11 a.m.

Extensions of Remarks, as inserted in this issue

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