

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S7163–S7228*

**Measures Introduced:** Fourteen bills and three resolutions were introduced, as follows: S. 1817–1830, and S. Res. 315–317. **Page S7187**

#### Measures Reported:

Report to accompany S. 1487, to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards. (S. Rept. No. 112–92)

S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi. **Page S7187**

#### Measures Passed:

*St. Louis Cardinals World Series Victory:* Senate agreed to S. Res. 315, commending the St. Louis Cardinals on their hard-fought World Series victory. **Pages S7170–71**

*Honoring Zoos and Aquariums of the United States:* Committee on Environment and Public Works was discharged from further consideration of S. Res. 132, recognizing and honoring the zoos and aquariums of the United States, and the resolution was then agreed to. **Page S7226**

#### Measures Considered:

**3% Withholding Repeal and Job Creation Act—Agreement:** Senate began consideration of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, after agreeing to the motion to proceed, and taking action on the following amendment proposed thereto: **Pages S7173–83**

#### Pending:

Reid (for Tester) Amendment No. 927, to amend the Internal Revenue Code of 1986 to permit a 100 percent levy for payments to Federal vendors relating

to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain improvements in the laws relating to the employment and training of veterans. **Page S7183**

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, November 9, 2011, upon use or yielding back of time on the motion to proceed to consideration of S.J. Res. 6, disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that Senator McCain, or his designee, be recognized to offer a second-degree amendment No. 928; that no other amendments, points of order or motions be in order to either amendment or the bill prior to the votes other than budget points of order and the applicable motions to waive; that at 2:15 p.m., on Thursday, November 10, 2011, Senate continue consideration of the bill; that there be up to 15 minutes of debate on the bill and amendments to run concurrently, with the time equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on or in relation to the amendments to the bill in the following order: McCain Amendment No. 928; and Reid (for Tester) Amendment No. 927 (listed above); that the McCain and Reid (for Tester) amendments be subject to a 60 affirmative vote threshold; that upon disposition of the amendments, Senate vote on passage of the bill, as amended, if amended; upon disposition of the bill, Senate vote on the motion to invoke cloture on the motion to proceed to consideration on H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012.

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**Energy and Water Development and Related Agencies Appropriations Act—Agreement:** Senate began consideration of the motion to proceed to consideration of H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012.

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A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, November 10, 2011.

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Subsequently, the motion to proceed was withdrawn.

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**Cross-Border Air Pollution and Internet and Broadband Industry Practices Regulating—**

**Agreement:** A unanimous-consent-time agreement was reached providing that at approximately 10:40 a.m., on Wednesday, November 9, 2011, Senate begin consideration of the motion to proceed to consideration of S.J. Res. 6, disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; provided further, at 10 a.m., on Thursday, November 10, 2011, Senate begin consideration of the motion to proceed to consideration of S.J. Res. 27, disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act, as provided under the order of Thursday, November 3, 2011; that at noon, Senate resume consideration of the motion to proceed to consideration of S.J. Res. 6 and there be up to five minutes of debate, equally divided between the two Leaders, or their designees, prior to a vote on the motion to proceed to consideration of S.J. Res. 6; that following the vote, Senate vote on the motion to proceed to consideration of S.J. Res. 27; that there be two minutes equally divided between the votes; that if either or both motions to proceed are agreed to, then further debate and votes on the joint resolutions be deferred until 2:15 p.m. on Tuesday, November 15, 2011, with all other provisions of the previous orders regarding the joint resolutions remaining in effect.

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**Kate Puzey Peace Corps Volunteer Protection Act—Agreement:**

A unanimous-consent agreement was reached providing that the amendment to the title of S. 1280 as engrossed, set out in the heading of amendment no. 668, be considered to have been proposed and adopted as such.

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**Nomination Confirmed:** Senate confirmed the following nomination:

By a unanimous vote of 99 yeas (Vote No. EX. 199), Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit.

**Pages S7171–73, S7228**

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

Meredith M. Broadbent, of Virginia, to be a Member of the United States International Trade Commission for a term expiring June 16, 2017.

Anne Claire Richard, of New York, to be an Assistant Secretary of State (Population, Refugees, and Migration).

Tara D. Sonenshine, of Maryland, to be Under Secretary of State for Public Diplomacy.

Routine lists in the Foreign Service, and Public Health Service.

**Pages S7227–28**

**Measures Placed on the Calendar:** **Page S7186**

**Executive Communications:** **Pages S7186–87**

**Additional Cosponsors:** **Pages S7187–89**

**Statements on Introduced Bills/Resolutions:** **Pages S7189–95**

**Additional Statements:** **Pages S7185–86**

**Amendments Submitted:** **Pages S7195–S7225**

**Authorities for Committees to Meet:** **Pages S7225–26**

**Record Votes:** One record vote was taken today. (Total—199) **Page S7173**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 8:12 p.m., until 9:30 a.m. on Wednesday, November 9, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7226.)

## Committee Meetings

*(Committees not listed did not meet)*

### COUNTERFEIT ELECTRONIC PARTS

*Committee on Armed Services:* Committee concluded a hearing to examine the Committee's investigation into counterfeit electronic parts in the Department of Defense supply chain, after receiving testimony from Richard J. Hillman, Managing Director, Forensic Audits and Investigative Service, and Timothy Persons, Chief Scientist, Center for Science, Technology, and Engineering, both of the Government Accountability Office; Lieutenant General Patrick J. O'Reilly, USA, Director, Missile Defense Agency, Department of Defense; Thomas Sharpe, SMT Corporation; Brian Toohey, Semiconductor Industry Association; Vivek Kamath, Raytheon Company; Ralph L. DeNino, L-3 Communications; and Charles Dabundo, Boeing Company.

### NATURAL GAS MARKET DEVELOPMENTS

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine market developments for United States natural gas, including the approval process and potential for liquefied natural

gas exports, after receiving testimony from Christopher Smith, Deputy Assistant Secretary for Oil and Natural Gas, Office of Fossil Energy, and Jeff C. Wright, Director, Office of Energy Projects, Federal Energy Regulatory Commission, both of the Department of Energy; Kenneth B. Medlock III, Rice University James A. Baker III Institute for Public Policy, and Andrew Slaughter, Shell Exploration and Production Company, both of Houston, Texas; and Jim Collins, City of Hamilton Underground Utilities Director, Hamilton, Ohio, on behalf of the American Public Gas Association.

#### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, all of the Department of State, after the nominees testified and answered questions in their own behalf.

#### NOMINATIONS

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of

the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia, after the nominees, who were all introduced by Representative Norton, testified and answered questions in their own behalf.

#### NO CHILD LEFT BEHIND AND THE ELEMENTARY AND SECONDARY EDUCATION REAUTHORIZATION ACT

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine No Child Left Behind, focusing on views on the Elementary and Secondary Education Reauthorization Act, after receiving testimony from Katherine Beh Neas, Easter Seals, Wade Henderson, Leadership Conference, Fredrick Hess, American Enterprise Institute, and John Schnur, New Leaders, all of Washington, D.C.; Amanda Danks, Baltimore City Public Schools, Baltimore, Maryland; Pam Geisselhardt, Adair County Schools, Columbia, Kentucky; Terry Grier, Houston Independent School District, Houston, Texas; Tom Luna, Idaho Superintendent of Public Instruction, Boise; Charles Seaton, Memphis City Schools, Memphis, Tennessee; and Elmer Thomas, Madison Central High School, Richmond, Kentucky.

#### OVERSIGHT: DEPARTMENT OF JUSTICE

*Committee on the Judiciary:* Committee concluded an oversight hearing to examine the Department of Justice, after receiving testimony from Eric H. Holder, Jr., 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

The House was not in session today. The House is scheduled to meet at 2:30 p.m. on Thursday, November 10, 2011 in pro forma session.

## Committee Meetings

No hearings were held.

## Joint Meetings

No joint committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1154)

H.R. 489, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir. Signed on November 7, 2011. (Public Law 112–45)

H.R. 765, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits. Signed on November 7, 2011. (Public Law 112–46)

H.R. 1843, to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the “John Pangelinan Gerber Post Office Building.” Signed on November 7, 2011. (Public Law 112–47)

H.R. 1975, to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the “First Lieutenant Oliver Goodall Post Office Building.” Signed on November 7, 2011. (Public Law 112–48)

H.R. 2062, to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the “Matthew A. Pucino Post Office.” Signed on November 7, 2011. (Public Law 112–49)

H.R. 2149, to designate the facility of the United States Postal Service located at 4354 Pahoia Avenue in Honolulu, Hawaii, as the “Cecil L. Heftel Post Office Building.” Signed on November 7, 2011. (Public Law 112–50)

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### COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 9, 2011

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Commerce, Science, and Transportation:* To hold hearings to examine securing our nation’s transportation system, focusing on oversight of Transportation Security Administration’s current efforts, 2:30 p.m., SR–253.

*Committee on Environment and Public Works:* Business meeting to consider S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, 10 a.m., SD–406.

*Committee on Foreign Relations:* Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine United States policy in Syria, 2:30 p.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Business meeting to consider S. 1789, to improve, sustain, and transform the United States Postal Service, S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign, and the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia, 10 a.m., SD–342.

*Committee on the Judiciary:* Subcommittee on Privacy, Technology and the Law, to hold hearings to examine health and privacy, focusing on protecting health information in a digital world, 2:30 p.m., SD–226.

#### House

No hearings are scheduled.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, November 9

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2:30 p.m., Thursday, November 10

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 70 minutes), Senate will begin consideration of the motion to proceed to consideration of S.J. Res. 6, Internet and Broadband Industry Practices Regulating, and after a period of debate, Senate will continue consideration of H.R. 647, 3% Withholding Repeal and Job Creation Act.

## House Chamber

**Program for Thursday:** The House will meet in pro forma session.



# Congressional Record

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