Thursday, May 24, 2012

Daily Digest

HIGHLIGHTS

Senate passed S. 3187, Food and Drug Administration Safety and Innovation Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S3535–S3661

Measures Introduced: Twenty bills and five resolutions were introduced, as follows: S. 3234–3253, S.J. Res. 41, and S. Res. 472–475. **Pages S3630–31**

Measures Reported:

S. 2061, to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority, with amendments. (S. Rept. No. 112–171)

S. 3241, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013. (S. Rept. No. 112–172)

S. 2370, to amend title 11, United States Code, to make bankruptcy organization more efficient for small business debtors.

S. 3240, to reauthorize agricultural programs through 2017. **Page S3630**

Measures Passed:

Food and Drug Administration Safety and Innovation Act: By 96 yeas to 1 nay (Vote No. 111), Senate passed S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, after taking action on the following amendments proposed thereto:

Pages S3536–S3609

Adopted:

Harkin (for Leahy) Modified Amendment No. 2142, to modify and limit certain exemptions to the Freedom of Information Act. **Pages S3545–47**

Harkin (for Portman/Whitehouse) Modified Amendment No. 2145, to facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines. **Pages S3545–47, S3555–56**

Coburn/Burr Amendment No. 2131, to require an independent assessment of the Food and Drug Administration's review of drug applications.

Pages S3536, S3557–59

Harkin (for Portman/Schumer) Modified Amendment No. 2146, to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

Pages S3545–47, S3548, S3555–56

Rejected:

By 28 yeas to 67 nays (Vote No. 105), Bingaman Amendment No. 2111, to provide substantial savings in health care costs to the Federal government and consumers by fostering competition among generic pharmaceutical manufacturers and ensuring that anti-competitive "pay-for-delay" settlements between brand-name and generic pharmaceutical manufacturers do not block generic drugs from entering the market. (Pursuant to the order of Wednesday May 23, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.)

Pages S3542–43, S3547–48, S3553–54

By 46 yeas to 50 nays (Vote No. 106), Murkowski Amendment No. 2108, to prohibit approval by the Food and Drug Administration of genetically engineered fish unless the National Oceanic and Atmospheric Administration concurs with such approval. (Pursuant to the order of Wednesday May 23, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.)

Pages S3536, S3554–55

Paul Amendment No. 2143, to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, to prohibit employees of the Food and Drug Administration from carrying firearms and making arrests without warrants, and to adjust the mens rea of certain prohibited acts under the Federal Food, Drug, and Cosmetic Act to knowing and willful. (By 78 yeas to 15 nays (Vote No. 107), Senate tabled the amendment.) **Pages S3536, S3561–62**

By 43 yeas to 54 nays (Vote No. 108), McCain Amendment No. 2107, to allow the importation by individuals of safe and affordable drugs from Canada. (Pursuant to the order of Wednesday May 23, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.)

Pages S3536–38, S3540, S3541–42, S3543–44, S3557, S3559–61, S3562

By 9 yeas to 88 nays (Vote No. 109), Sanders Amendment No. 2109, to revoke the exclusivity of certain entities that are responsible for violations of the Federal Food, Drug, and Cosmetic Act, the False Claims Act, and other certain laws. (Pursuant to the order of Wednesday May 23, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S3536, S3540–41, S3543, S3562–63**

Durbin/Blumenthal Amendment No. 2127, to require manufacturers of dietary supplements to register dietary supplement products with the Food and Drug Administration. (By 77 yeas to 20 nays (Vote No. 110), Senate tabled the amendment.)

Pages S3536, S3550–53, S3563–64

Withdrawn:

Coburn/Burr Amendment No. 2132, to provide that a portion of the performance awards of each employee of the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Biologics Evaluation and Research be connected to an evaluation of the employee's contribution to goals under the user fee agreements. **Pages S3536, S3547**

Burr/Coburn Amendment No. 2130, to ensure transparency in Food and Drug Administration user fee agreement negotiations. **Pages S3536, S3563**

National Flood Insurance Program Extension Act: Senate passed H.R. 5740, to extend the National Flood Insurance Program, after agreeing to the following amendment proposed thereto: **Page S3611**

Reid (for Johnson (SD)) Amendment No. 2154, in the nature of a substitute. **Page S3611**

International Protecting Girls by Preventing Child Marriage Act: Senate passed S. 414, to protect girls in developing countries through the prevention of child marriage. **Pages S3655–57**

Battery Recharging Stations: Senate passed S. 739, to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government, after agreeing to the following amendment proposed thereto: **Pages S3657–58**

Reid (for Levin) Amendment No. 2155, to improve oversight over the program and ensure no subsidy is received by Senators and employees.

Page S3657

Cook County, Minnesota Airport: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of 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, and the bill was then passed. **Page S3658**

E–2 Nonimmigrant Visas: Committee on the Judiciary was discharged from further consideration of H.R. 3992, to allow otherwise eligible Israeli nationals to receive E–2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel, and the bill was then passed. **Page S3658**

National Post-Traumatic Stress Disorder Awareness Day: Committee on the Judiciary was discharged from further consideration of S. Res. 455, designating June 27, 2012, as "National Post-Traumatic Stress Disorder Awareness Day", and the resolution was then agreed to. **Pages S3658–59**

Honoring Late Former Senator Abdnor: Senate agreed to S. Res. 475, relating to the death of the Honorable E. James Abdnor, former United States Senator and Congressman from the State of South Dakota. **Page S3659**

Measures Failed:

Stop the Student Loan Interest Rate Hike Act: By 51 yeas to 43 nays, 1 responding present (Vote No. 113), Senate rejected S. 2343, to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and pursuant to the unanimous-consent agreement of Wednesday, May 23, 2012, requiring 60 votes for passage of the bill, and the bill was returned to the calendar, after taking action on the following amendment proposed thereto: **Pages S3609–11, S3611–12**

Rejected:

By 34 yeas to 62 nays, 1 responding present (Vote No. 112), McConnell (for Alexander) Amendment No. 2153, in the nature of a substitute. (Pursuant to the order of Wednesday May 23, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S3609–11**

Measures Considered:

Paycheck Fairness: Senate began consideration of the motion to proceed to consideration of S. 3220, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex. **Pages S3612–15**

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, and pursuant to the unanimous-consent agreement of Thursday, May 24, 2012, a vote on cloture will occur at 2:15 p.m., on Tuesday, June 5, 2012. **Page S3612**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that from Friday, May 25, 2012 through Monday, June 4, 2012, Senator Leahy be authorized to sign duly enrolled bills or joint resolutions. **Page S3659**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S3659**

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate convene for pro forma sessions only with no business conducted on the following dates and times, and that following each pro forma session, Senate adjourn until the next pro forma session: Friday, May 25, 2012 at 2:30 p.m., Tuesday, May 29, 2012 at 11 a.m., and Thursday, May 31, 2012 at 12 p.m.; and that the Senate adjourn on Thursday, May 31, 2012 until 2 p.m. on Monday, June 4, 2012. **Page S3659**

Hillman Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, June 4, 2012, Senate begin consideration of the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts; that there be 30 minutes 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 confirmation of the nomination; and that no further motions be in order. **Page S3655**

Nominations Confirmed: Senate confirmed the following nominations:

Matthew Francis McCabe, of Pennsylvania, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2014.

Gregory Karawan, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2013.

Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission for a term of six years.

Margaret Bartley, of Maryland, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Drew R. McCoy, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring January 27, 2016.

Coral Wong Pietsch, of Hawaii, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Roy Wallace McLeese III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Pauline R. Maier, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2017.

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

Jessica Lynn Wright, of Pennsylvania, to be an Assistant Secretary of Defense.

James N. Miller, Jr., of Virginia, to be Under Secretary of Defense for Policy.

Frank Kendall III, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration.

Anthony T. Clark, of North Dakota, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2016.

Scott H. DeLisi, of Minnesota, to be Ambassador to the Republic of Uganda.

John Robert Norris, of Iowa, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2017.

Joseph G. Jordan, of Massachusetts, to be Administrator for Federal Procurement Policy.

Katharina G. McFarland, of Virginia, to be an Assistant Secretary of Defense.

Makila James, of the District of Columbia, to be Ambassador to the Kingdom of Swaziland.

Derek H. Chollet, of Nebraska, to be an Assistant Secretary of Defense.

Kathleen H. Hicks, of Virginia, to be a Principal Deputy Under Secretary of Defense.

David J. Lane, of Florida, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

6 Air Force nominations in the rank of general.

28 Army nominations in the rank of general.

10 Marine Corps nominations in the rank of general.

8 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, and Navy.

Routine lists in the Public Health Service. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.) **Pages S3651–55, S3660–61**

Nominations Received: Senate received the following nominations:

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2015.

Allison M. Macfarlane, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2013.

Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman.

Alexander Mark Laskaris, of Maryland, to be Ambassador to the Republic of Guinea.

Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria.

Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics for a term of five years.

1 Army nomination in the rank of general. **Page S3660**

Measures Read the First Time: **Page S3627**

Executive Communications: **Pages S3627–30**

Executive Reports of Committees: **Page S3630**

Additional Cosponsors: **Pages S3631–33**

Statements on Introduced Bills/Resolutions: **Pages S3633–40**

Additional Statements: **Pages S3622–26**

Amendments Submitted: **Pages S3640–41**

Authorities for Committees to Meet: **Page S3641**

Text of H.R. 1905 as Previously Passed: **Pages S3641–51**

Text of S. 3187 as Previously Passed: **Pages S3568–S3608**

Record Votes: Nine record votes were taken today. (Total—113) **Pages S3554, S3555, S3562, S3563, S3563–64, S3568, S3610–11, S3611–12**

Adjournment: Senate convened at 9:30 a.m. and adjourned, as a further mark of respect to the memory of the late James Abdnor of South Dakota, former Senator and Representative from South Dakota, in accordance with S. Res. 475, at 7:21 p.m., until 2:30 p.m. on Friday, May 25, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3659.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported an original bill entitled, ''Agriculture, Reform, Food, and Jobs Act of 2012'', with clarifying modifications.

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 3241) making appropriations for Department of State, Foreign Operations, and Related Agencies.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Committee ordered favorably reported the following bills:

An original bill entitled ''National Defense Authorization Act for Fiscal Year 2013'';

An original bill entitled ''Department of Defense Authorization Act for Fiscal Year 2013'';

An original bill entitled ''Military Construction Authorization Act for Fiscal Year 2013''; and

An original bill entitled ''Department of Energy National Security Act for Fiscal Year 2013''.

RESPONSIBLE HOMEOWNER REFINANCING ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine S. 3085, to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, after receiving testimony from Bill Emerson, Quicken Loans, Inc., Detroit, Michigan; Christopher Papagianis, e21, New York, New York;

Mark Zandi, Moody's Analytics, Malvern, Pennsylvania; and Moe Veissi, National Association of Realtors, Miami, Florida.

POACHING IN AFRICA

Committee on Foreign Relations: Committee concluded a hearing to examine the global implications of poaching in Africa, focusing on ivory and insecurity, including S. 1483, to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations in ways that threaten homeland security, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and S. 2318, to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, after receiving testimony from Iain Douglas-Hamilton, Save the Elephants, Nairobi, Kenya; Tom Cardamone, Global Financial Integrity, Washington, DC.; and John E. Scanlon, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Geneva, Switzerland.

INFORMATION TECHNOLOGY SPENDING REFORM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine efforts to reform information technology spending, focusing on innovating with less, after receiving testimony from Steven VanRoekel, Federal Chief Information Officer, Administrator for E–Government and Information Technology, Office of Management and Budget; David A. Powner, Director, Information Technology Management Issues, Government Accountability Office; George DelPrete, Grant Thornton LLP, Alexandria, Virginia, on behalf of TechAmerica; Molly O'Neill, CGI Federal Inc., Baltimore, Maryland; Nick Combs, EMC Corporation, San Antonio, Texas; and Jennifer Morgan, SAP Public Services, Arlington, Virginia.

NATIVE VETERANS PROGRAMS AND SERVICES

Committee on Indian Affairs: Committee concluded an oversight hearing to examine programs and services for native veterans, after receiving testimony from Stephanie Elaine Birdwell, Director, Office of Tribal Government Relations, Office of Public and Intergovernmental Affairs, Department of Veterans Affairs; Randy Grinnell, Deputy Director, Indian Health Service, Department of Health and Human Services; Kevin Gover, Director, National Museum of the American Indian, Smithsonian Institution; Wayne Burke, Pyramid Lake Paiute Tribe of Nevada, Nixon; Kelly McKaughan, Choctaw Nation of Oklahoma, Durant; Cheryl A. Causley, National American Indian Housing Council, Washington, D.C.; and D. Noelani Kalipi, TiLeaf Group, Hilo, Hawaii.

BUSINESS MEETING

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

S. 2076, to improve security at State and local courthouses, with an amendment in the nature of a substitute;

S. 2370, to amend title 11, United States Code, to make bankruptcy organization more efficient for small business debtors; and

The nomination of Charles Thomas Massarone, of Kentucky, to be a Commissioner of the United States Parole Commission.

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 10 a.m. on Friday, May 25, 2012 in pro forma session;

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MAY 25, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

2:30 p.m., Friday, May 25

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, May 25

House Chamber

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

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