Thursday, November 21, 2013

Daily Digest

HIGHLIGHTS

Senate agreed to S. Con. Res. 28, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S8413–S8538

Measures Introduced: Twenty-four bills and seven resolutions were introduced, as follows: S. 1754–1777, S. Res. 309–311, and S. Con. Res. 26–29. **Pages S8456–57**

Measures Passed:

Adjournment Resolution: By 51 yeas to 42 nays (Vote No. 246), Senate agreed to S. Con. Res. 28, providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives. **Page S8441**

Measures Considered:

Workforce Investment Act: Senate began consideration of the motion to proceed to consideration of S. 1356, to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth. **Pages S8413–18**

National Defense Authorization Act—Agreement: Senate continued consideration of S. 1197, to authorize appropriations for fiscal year 2014 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, taking action on the following amendments and motions proposed thereto: **Pages S8437–41**

Pending:

Reid (for Levin/Inhofe) Amendment No. 2123, to increase to $5,000,000,000 the ceiling on the general transfer authority of the Department of Defense. **Page S8437**

Reid (for Levin/Inhofe) Amendment No. 2124 (to Amendment No. 2123), of a perfecting nature. **Page S8437**

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 2305, to change the enactment date. **Page S8437**

Reid Amendment No. 2306 (to (the instructions) Amendment No. 2305), of a perfecting nature. **Page S8437**

Reid Amendment No. 2307 (to Amendment No. 2306), of a perfecting nature. **Page S8437**

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

By 51 yeas to 44 nays (Vote No. 245), 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 bill. **Pages S8440–41**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the bill. **Page S8441**

A unanimous-consent agreement was reached providing that at approximately 4 p.m. on Monday, December 9, 2013, Senate resume consideration of the bill, to allow the Chairman and Ranking Member to provide a status update on the bill. **Page S8537**

Appointments:

United States Commission on Civil Rights: The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2(b) of Public Law 98–183, as amended by Public Law 103–419, appointed Gail Heriot, of California, to the United States Commission on Civil Rights, for a term of six years. **Page S8537**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during the adjournment or recess of the Senate from Thursday, November 21, 2013, through Monday, December 9, 2013, Senators Warner, Kaine, and Rockefeller be authorized to sign duly enrolled bills or joint resolutions. **Page S8537**

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate adjourn, and 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, November 22, 2013, at 11:15 a.m.; Tuesday, November 26, 2013, at 11 a.m.; Friday, November 29, 2013, at 1 p.m.; Tuesday, December 3, 2013, at 11 a.m.; and Friday, December 6, 2013, at 10:30 a.m.; that the Senate adjourn on Friday, December 6, 2013, until 2 p.m., on Monday, December 9, 2013, unless the Senate receives a message from the House of Representatives that it has adopted S. Con. Res. 28, providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; and that if the Senate receives such a message, Senate adjourn until 2 p.m., on Monday, December 9, 2013. **Page S8537**

Millett Nomination: By 55 yeas to 43 nays, 2 responding present (Vote No. 244), Senate upon reconsideration agreed to the motion to close further debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S8418, S8441–48**

Senate also took the following action:

By 57 yeas to 40 nays, 3 responding present (Vote No. 239), Senate agreed to the motion to proceed to the motion to reconsider the motion to invoke cloture on the nomination. **Pages S8416–17**

By 46 yeas to 54 nays (Vote No. 240), Senate rejected the McConnell motion to adjourn until 5:00 p.m. on Thursday, November 21, 2013. **Page S8417**

By 57 yeas to 43 nays (Vote No. 241), Senate agreed to the motion to reconsider the motion to invoke cloture on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Page S8417**

By 48 yeas to 52 nays (Vote No. 242), Senate rejected the ruling of the Chair that the cloture vote for all nominations other than for the Supreme Court is not by majority vote. Subsequently, Senator Reid motion to appeal the ruling of the Chair was sustained. **Pages S8417–18**

By 52 yeas to 48 nays (Vote No. 243), Senate sustained the ruling of the Chair that under precedent set by the Senate today, November 21, 2013, the threshold for cloture on nominations, not including those of the Supreme Court, is now a majority. Subsequently, Senator McConnell motion to appeal the ruling of the Chair was rejected. **Page S8418**

A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, December 9, 2013, Senate resume consideration of the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, post-cloture, with up to 30 minutes of debate equally divided and controlled in the usual form; and that at 5:30 p.m., all post-cloture time be expired and the Senate vote on confirmation of the nomination. **Page S8537**

Nominations Received: Senate received the following nominations:

Sherry Moore Trafford, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Steven M. Wellner, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Andrew Mark Luger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Brad R. Carson, of Oklahoma, to be Under Secretary of the Army.

Richard A. Kennedy, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2016.

David Radzanowski, of the District of Columbia, to be Chief Financial Officer, National Aeronautics and Space Administration.

Maureen Elizabeth Cormack, of Virginia, to be Ambassador to Bosnia and Herzegovina.

Leslie Berger Kiernan, of Maryland, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Leslie Berger Kiernan, of Maryland, to be 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 to the United Nations for U.N. Management and Reform.

Heather L. MacDougall, of Florida, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2017.

John Roth, of Michigan, to be Inspector General, Department of Homeland Security.

3 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

A routine list in the Foreign Service.

Pages S8537–38

Messages from the House: **Page S8455**

Measures Placed on the Calendar: Pages S8413, S8455

Measures Read the First Time: Pages S8455, S8537

Enrolled Bills Presented: Page S8455

Executive Communications: Pages S8455–56

Executive Reports of Committees: Page S8456

Additional Cosponsors: Pages S8457–62

Statements on Introduced Bills/Resolutions: Pages S8462–67

Additional Statements: Pages S8453–55

Amendments Submitted: Pages S8467–S8527

Authorities for Committees to Meet: Pages S8527–28

Record Votes: Eight record votes were taken today. (Total—246) Pages S8416–18, S8441

Adjournment: Senate convened at 10:30 a.m. and adjourned at 6:32 p.m., until 11:15 a.m. on Friday, November 22, 2013. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8537.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nomination of Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System.

HOUSING FINANCE REFORM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine housing finance reform, focusing on powers and structure of a strong regulator, including S. 1217, to provide secondary mortgage market reform, after receiving testimony from Alfred M. Pollard, General Counsel, Federal Housing Finance Agency; Diane Ellis, Director, Division of Insurance and Research, Federal Deposit Insurance Corporation; Kurt Regner, Arizona Department of Insurance Assistant Director, Phoenix, on behalf of the National Association of Insurance Commissioners; Bart Dzivi, The Dzivi Law Firm, Sausalito, California; Robert M. Couch, Bradley Arant Boult Cummings, LLP, Birmingham, Alabama, on behalf of the Bipartisan Policy Center Housing Commission; and Paul Leonard, The Financial Services Roundtable Housing Policy Council, Chevy Chase, Maryland.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Paul Nathan Jaenichen, Sr., of Kentucky, to be Administrator of the Maritime Administration, and Debra L. Miller, of Kansas, to be a Member of the Surface Transportation Board, both of the Department of Transportation, and Arun Madhavan Kumar, of California, to be Assistant Secretary of Commerce for Trade Promotion and Director General of the United States and Foreign Commercial Service, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 258, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, with amendments;

S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest;

S. 715, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, with amendments;

S. 782, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, with amendments;

S. 974, to provide for certain land conveyances in the State of Nevada;

S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia;

S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D–Day, June 6, 1944;

S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System;

H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona;

H.R. 697, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site;

H.R. 862, 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. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho; and

H.R. 1033, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, with amendments.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Committee on Foreign Relations: Committee concluded a hearing to examine the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (TD112–7), after receiving testimony from John F. Kerry, Secretary of State; Frances W. West, IBM Corporation, Cambridge, Massachusetts; C. Boyden Gray, C. Boyden Gray and Associates, Washington, DC.; Jeremy Rabkin, George Mason School of Law, Arlington, Virginia; and Curtis A. Bradley, Duke Law School, Durham, North Carolina.

NORTH AFRICA

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine the political, economic, and security situation in North Africa, after receiving testimony from Richard Schmierer, Acting Principal Deputy Assistant Secretary of State for Near Eastern Affairs; Amanda Dory, Deputy Assistant Secretary of Defense for African Affairs; Alina L. Romanowski, Deputy Assistant Administrator, Bureau for the Middle East, U.S. Agency for International Development; and Frederic Wehrey, Carnegie Endowment for International Peace Middle East Program, and Thomas Joscelyn, Foundation for Defense of Democracies, both of Washington, DC.

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: 48 public bills, H.R. 3570–3617; 1 private bill, H.R. 3618; and 4 resolutions, H. Con. Res. 67–67; and H.Res. 426–427 were introduced. **Pages H7352–55**

Additional Cosponsors: **Pages H7357–58**

Reports Filed: Reports were filed today as follows:

H.R. 1791, to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, with an amendment (H. Rept. 113–273);

H.R. 1095, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes, with an amendment (H. Rept. 113–274); and

H.R. 2719, to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes, with an amendment (H. Rept. 113–275). **Page H7352**

Speaker: Read a letter from the Speaker wherein he appointed Representative Poe (TX) to act as Speaker pro tempore for today. **Page H7313**

Natural Gas Pipeline Permitting Reform Act: The House passed H.R. 1900, to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, by a recorded vote of 252 ayes to 165 noes, Roll No. 611.

Pages H7315–32, H7334–35

Rejected the Tierney 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 yea-and-nay vote of 180 yeas to 233 nays, Roll No. 610.

Pages H7332–33

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–25 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H7322**

Rejected:

Tonko amendment (No. 1 printed in H. Rept. 113–272) that sought to require the application for a natural gas pipeline to include information to ensure that methane emissions will be minimized before the application can be considered for approval (by a recorded vote of 183 ayes to 233 noes, Roll No. 605); **Pages H7322–23, H7328–29**

Castor amendment (No. 2 printed in H. Rept. 113–272) that sought to strike the provision that requires FERC to automatically issue other agencies's—permits if the deadline is missed (by a recorded vote of 184 ayes to 233 noes, Roll No. 606); **Pages H7323–24, H7329**

Speier amendment (No. 3 printed in H. Rept. 113–272) that sought to toll the time limits until FERC has considered and responded to state or local objections or concerns about the pipeline project (by a recorded vote of 183 ayes to 236 noes, Roll No. 607); **Pages H7324–25, H7329–30**

Jackson Lee amendment (No. 4 printed in H. Rept. 113–272) that sought to delay the implementation of the bill, if enacted, so long as sequestration is in effect (by a recorded vote of 175 ayes to 243 noes, Roll No. 608); and **Pages H7325–27, H7330–31**

Dingell amendment in the nature of a substitute (No. 5 printed in H. Rept. 113–272) that sought to replace the bill with a requirement that GAO complete a study on what, if any, delays are expected by FERC or other federal, state, or local permitting authorities in issuing permits regarding the siting, construction, expansion, or operation of any natural gas pipeline project (by a recorded vote of 175 ayes to 239 noes, Roll No. 609). **Pages H7327–28, H7331**

H. Res. 420, the rule providing for consideration of the bill, was agreed to yesterday, November 20th.

Oath of Office—Fifth Congressional District of Louisiana: Representative-elect Vance M. McAllister presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter received from the Honorable Tom Schedler, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held November 16, 2013, the Honorable Vance M. McAllister was elected Representative to Congress for the Fifth Congressional District, State of Louisiana. **Page H7333**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Louisiana, Mr. McAllister, the whole number of the House is 432. **Page H7334**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, November 22nd. **Page H7335**

Board of Visitors to the United States Merchant Marine Academy—Appointment: The Chair announced the Speaker's appointment of the following Member on the part of the House to the Board of Visitors to the United States Merchant Marine Academy: Representative King (NY). **Page H7348**

National Historical Publications and Records Commission—Appointment: The Chair announced the Speaker's appointment of the following Member on the part of the House to the National Historical Publications and Records Commission: Representative Barr. **Page H7348**

Quorum Calls—Votes: One yea-and-nay vote and six recorded votes developed during the proceedings of today and appear on pages H7328–29, H7329, H7329–30, H7330–31, H7331, H7332–33 and H7334. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 2:43 p.m.

Committee Meetings

LEGISLATIVE MEASURE

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing on H.R. 2012, the "Horseracing Integrity and Safety Act of 2013". Testimony was heard from public witnesses.

OVERSIGHT OF FIRSTNET AND THE ADVANCEMENT OF PUBLIC SAFETY WIRELESS COMMUNICATIONS

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled "Oversight of FirstNet and the Advancement of Public Safety Wireless Communications". Testimony was heard from Darryl Ackley, Cabinet Secretary, New Mexico Department of Information Technology; Stu Davis, Chief Information Officer,

Assistant Director, Ohio Department of Administrative Services; Sam Ginn, Chairman, First Responder Network Authority; Dereck Orr, Program Manager, Public Safety Communications Research, Office of Law Enforcement Standards, National Institute of Standards and Technology; David Turetsky, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee concluded markup on H.R. 2385, the ''CFPB Pay Fairness Act of 2013''; H.R. 2446, the ''Responsible Consumer Financial Protection Regulations Act of 2013''; H.R. 2571, the ''Consumer Right to Financial Privacy Act of 2013''; H.R. 3183, to provide consumers with a free annual disclosure of information the Bureau of Consumer Financial Protection maintains on them; H.R. 3193, the ''Consumer Financial Protection Safety and Soundness Improvement Act of 2013''; and H.R. 3519, the ''Bureau of Consumer Financial Protection Accountability and Transparency Act of 2013''. The following measures were ordered reported, as amended: H.R. 2446; and H.R. 3519. The following measures were ordered reported, without amendment: H.R. 2385; H.R. 3193; H.R. 3183; and H.R. 2571.

LEGISLATIVE MEASURE

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing on H.R. 3482, ''Restoring Main Street Investor Protection and Confidence Act''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a markup on H.R. 1777, the ''Increasing American Jobs Through Greater Exports to Africa Act of 2013''. The bill was forwarded, as amended.

GLOBAL CHALLENGE OF ALZHEIMER'S: THE G–8 DEMENTIA SUMMIT AND BEYOND

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Global Challenge of Alzheimer's: The G–8 Dementia Summit and Beyond''. Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Public Lands and Environmental Regulation held a hearing on the following measures: H.R. 3286 the ''Protecting States, Opening National Parks Act''; H.R. 3294, the ''State-Run Federal Lands Act''; H.R. 3311, the ''Providing Access and Retain Continuity Act''; H.R. 3492, to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge, and for other purposes; H.R. 915, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes. Testimony was heard from Representatives Farr; Petri; and Kennedy; and Bruce Sheaffer, Comptroller, National Park Service, Department of Interior; Spencer J. Cox, Lieutenant Governor, State of Utah; and public witnesses.

WRONG WAY: THE IMPACT OF FMCSA'S HOURS OF SERVICE REGULATION ON SMALL BUSINESSES

Committee on Small Business: Subcommittee on Contracting and Workforce held a hearing entitled ''Wrong Way: The Impact of FMCSA's Hours of Service Regulation on Small Businesses''. Testimony was heard from Anne Ferro, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

MISCELLANEOUS MEASURE

House Permanent Select Committee on Intelligence: Full Committee held a markup on H.R. 3381, the ''Intelligence Authorization Act for Fiscal Year 2014''. The bill was ordered reported, as amended.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 22, 2013

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine housing finance reform, focusing on developing a plan for a smooth transition, 10 a.m., SD–538.

House

No hearings are scheduled.

Next Meeting of the SENATE

11:15 a.m., Friday, November 22

Senate Chamber

Program for Friday: Senate will meet in a pro forma session, unless the Senate receives a message that the House of Representatives has agreed to S. Con. Res. 28, Adjournment Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, November 22

House Chamber

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

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