

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10311–S10419

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 4034–4039, S.J. Res. 42, and S. Res. 702. **Page S10410**

Measures Reported:

H.R. 2868, To amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment in the nature of a substitute. (S. Rept. No. 111–370)

S. 3903, to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo, with amendments. (S. Rept. No. 111–371)

Report to accompany H.R. 2142, To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council. (S. Rept. No. 111–372)

S. 3874, to amend the Safe Drinking Act to reduce lead in drinking water. **Page S10410**

Measures Passed:

Government Efficiency, Effectiveness, and Performance Improvement Act: Senate passed H.R. 2142, to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, after agreeing to the committee amendment in the nature of a substitute. **Pages S10359–64**

Reduction of Lead in Drinking Water Act: Senate passed S. 3874, to amend the Safe Drinking Act to reduce lead in drinking water. **Page S10364**

Safe Drug Disposal Act: Committee on the Judiciary was discharged from further consideration of H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program, and the bill was

then passed, after agreeing to the following amendments proposed thereto: **Page S10364**

Dorgan (for Voinovich) Amendment No. 4818, in the nature of a substitute. **Page S10364**

Dorgan (for Voinovich/Carper) Amendment No. 4819, to amend the title. **Page S10364**

National Credit Union Administration: Senate passed S. 4036, to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury. **Pages S10364–65**

First Lieutenant Robert Wilson Collins Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3592, to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the “First Lieutenant Robert Wilson Collins Post Office Building”, and the bill was then passed. **Page S10365**

Emil Bolas Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4602, to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the “Emil Bolas Post Office”, and the bill was then passed. **Page S10365**

Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5133, to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the “Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building”, and the bill was then passed. **Page S10365**

George C. Marshall Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5605, to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the “George C. Marshall Post Office”, and the bill was then passed. **Page S10365**

James M. 'Jimmy' Stewart Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5606, to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building", and the bill was then passed.

Page S10365

Jesse J. McCrary, Jr. Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5655, to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office", and the bill was then passed.

Page S10365

Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5877, to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building", and the bill was then passed.

Page S10366

Earl Wilson, Jr. Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office", and the bill was then passed.

Page S10366

Colonel George Juskalian Post Office Building: Senate passed H.R. 6392, to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building".

Pages S10366–67

Special Education Teachers: Senate agreed to S. Res. 702, recognizing the work and importance of special education teachers.

Page S10367

House Messages:

Removal Clarification Act—Agreement: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate No. 3 to H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, taking action on the following motions and amendments proposed thereto:

Pages S10385–86

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill.

Pages S10385

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill, with Reid Amendment No. 4822 (to the House Amendment to the Senate amendment No. 3), to change the enactment date.

Page S10386

Reid Amendment No. 4823 (to Amendment No. 4822), of a perfecting nature.

Page S10386

Reid motion to refer the message of the House on the bill to the Committee on the Judiciary, with instructions, Reid Amendment No. 4824, to provide for a study.

Page S10386

Reid Amendment No. 4825 (to (the instructions) Amendment No. 4824), to change the enactment date.

Page S10386

Reid Amendment No. 4826 (to Amendment No. 4825), of a perfecting nature.

Page S10386

A motion was entered to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill, with an amendment and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, December 18, 2010.

Page S10386

Enhancing Small Business Research and Innovation Act—Agreement: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, taking action on the following motions and amendments proposed thereto:

Pages S10386–87

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Page S10386

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4827 (to the House Amendment to the Senate amendment), to change the enactment date.

Page S10386

Reid Amendment No. 4828 (to Amendment No. 4827), to change the enactment date.

Page S10386

Reid motion to refer the message of the House on the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 4829, to provide for a study.

Page S10386

Reid Amendment No. 4830 (to (the instructions) Amendment No. 4829), of a perfecting nature.

Pages S10386–87

Reid Amendment No. 4831 (to Amendment No. 4830), of a perfecting nature.

Page S10387

A motion was entered to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate to the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the House Message to accompany H.R. 5281, Removal Clarification Act. **Page S10386**

Treaty With Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms—Agreement: Senate continued consideration of Treaty Doc. 111–5, between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol. **Pages S10312–59, S10367–83**

A unanimous-consent agreement was reached providing for further consideration of the treaty at approximately 9:30 a.m., on Friday, December 17, 2010. **Page S10419**

Nominations Confirmed: Senate confirmed the following nominations:

Catherine C. Eagles, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Kimberly J. Mueller, of California, to be United States District Judge for the Eastern District of California.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland.

Pages S10373, S10419

Messages From the House: **Page S10408**

Measures Read the First Time: **Pages S10367, S10409**

Enrolled Bills Presented: **Page S10409**

Executive Communications: **Pages S10409–10**

Additional Cosponsors: **Pages S10410–11**

Statements on Introduced Bills/Resolutions: **Pages S10411–12**

Additional Statements: **Pages S10407–08**

Amendments Submitted: **Pages S10412–15**

Authorities for Committees to Meet: **Page S10415**

Privileges of the Floor: **Page S10416**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:36 p.m., until 9:30 a.m. on Friday, December 17, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10419.)

Committee Meetings

(Committees not listed did not meet)

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: 13 public bills, H.R. 6527–6539; and 5 resolutions, H. Con. Res. 335 ; and H. Res. 1770, 1772–1774 were introduced. **Pages H8597–98**

Additional Cosponsors: **Page H8598**

Reports Filed: Reports were filed today as follows:

H.R. 4678, to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes, with an amendment (H. Rept. 111–683, Pt. 1);

H. Res. 1771, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (H. Rept. 111–684);

H.R. 3890, to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes, with an amendment (H. Rept. 111–685, Pt. 1);

H.R. 3818, to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange

Commission, and for other purposes, with an amendment (H. Rept. 111–686, Pt. 1)

H.R. 3817, to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws, and for other purposes, with an amendment (H. Rept. 111–687, Pt. 1); and

H.R. 1064, to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives, with an amendment (H. Rept. 111–688, Pt. 1). **Page H8597**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H8521**

Motion to Adjourn: Rejected the Taylor motion to adjourn by a yea-and-nay vote of 14 yeas to 385 nays with 1 voting “present”, Roll No. 639. **Page H8532**

Middle Class Tax Relief Act of 2010—Rule for Consideration: The House began consideration of H. Res. 1766, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program. Subsequently, the resolution was withdrawn. **Pages H8524–32**

A point of order was raised against the consideration of H. Res. 1766 and it was agreed to proceed with consideration of the resolution by voice vote. **Page H8525**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Bankruptcy Technical Corrections Act of 2010: Concurred in the Senate amendment to H.R. 6198, to amend title 11 of the United States Code to make technical corrections; **Page H8535**

Preserving Foreign Criminal Assets for Forfeiture Act of 2010: S. 4005, to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; and **Pages H8539–41**

Reauthorizing and enhancing Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers: Concurred in the Senate amendment to H.R. 2941, to reauthorize and en-

hance Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers. **Pages H8541–43**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, December 15th:

Pedestrian Safety Enhancement Act of 2010: S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation, by a $\frac{2}{3}$ yeas-and-nay vote of 379 yeas to 30 nays, Roll No. 640; **Page H8543**

Requiring reports on the management of Arlington National Cemetery: S. 3860, to require reports on the management of Arlington National Cemetery, by a $\frac{2}{3}$ yeas-and-nay vote of 407 yeas to 3 nays, Roll No. 641; **Pages H8543–44**

Post-9/11 Veterans Educational Assistance Improvements Act of 2010: S. 3447, to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, by a $\frac{2}{3}$ yeas-and-nay vote of 409 yeas to 3 nays, Roll No. 642; and **Pages H8544–45**

Calling on the State Department to list the Socialist Republic of Vietnam as a “Country of Particular Concern” with respect to religious freedom: H. Res. 20, amended, to call on the State Department to list the Socialist Republic of Vietnam as a “Country of Particular Concern” with respect to religious freedom. **Page H8595**

Suspensions—Proceedings Postponed: The House debated the following measures under suspensions of the rules. Further proceedings were postponed:

Enacting certain laws relating to public contracts as title 41, United States Code, “Public Contracts”: Concur in the Senate amendments to H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts” and **Pages H8535–36**

Establishing a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges: Concur in the Senate amendment to H.R. 628, to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges. **Pages H8536–39**

Recess: The House recessed at 2:29 p.m. and reconvened at 5:45 p.m. **Page H8545**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated on Wednesday, December 15th:

International Protecting Girls by Preventing Child Marriage Act of 2010: S. 987, to protect girls in developing countries through the prevention of child marriage, by a $\frac{2}{3}$ ye-and-nay vote of 241 yeas to 166 nays, Roll No. 645. **Pages H8551–52**

Middle Class Tax Relief Act of 2010: The House concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program, by a recorded vote of 277 yeas to 148 noes, Roll No. 647. **Pages H8532–34, H8545–51, H8552–95**

Prior to the declaration of the House into the Committee of the Whole pursuant to H. Res. 1766, the Chair noted that the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) contains: an emergency designation for purposes of pay-as-you-go principles under clause 10(c) of rule 21 and an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010. Accordingly, the Chair put the question of consideration under clause 10(c)(3) of rule 21, and under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010. It was subsequently agreed to proceed with consideration of the Senate amendment by voice vote. **Page H8552**

Rejected:

Levin amendment to the Senate amendment (printed in H. Rept. 111–682) that sought to strike Title III of the Senate amendment to H.R. 4583 and amend the bill to provide two years of estate tax relief at 2009 levels. In calendar years 2011 and 2012, the estate tax exemption amount would be \$3.5 million (\$7 million total for a married couple) and the maximum tax rate on estates would be 45%. Additionally, the amendment would provide estates from decedents in 2010 with the ability to elect to be treated under the 2009 levels or to be treated under current law for tax purposes. This election would allow estates to receive a step up in basis on inherited property rather than the 2010 carryover basis rules. The exemption level and rate are consistent with the estate tax proposal included in the President's FY2010 and FY2011 Budgets. Under the Senate amendment to H.R. 4583, the bill would provide two years of estate tax relief with a \$5 million estate tax exemption (\$10 million total for a married couple) and a maximum rate of 35%. The amendment saves \$23 billion, and affects 6,600 es-

tates in 2011 which would receive an average additional tax cut of more than \$1.5 million under the Senate bill (by a recorded vote of 194 yeas to 233 noes with 1 voting "present", Roll No. 646).

Page H8585–94

H. Res. 1766, the rule providing for consideration of the bill, was agreed to by a recorded vote of 214 yeas to 201 noes, Roll No. 644. **Page H8551**

Agreed to the Slaughter amendment to the rule by a recorded vote of 230 yeas to 186 noes, Roll No. 643, after the previous question was ordered without objection. **Pages H8550–51**

Senate Message: Message received from the Senate today appears on page H8534.

Quorum Calls—Votes: Five ye-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H8532, H8543, H8543–44, H8544–45, H8550–51, H8551, H8551–52, H8594 and H8594–95. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:05 a.m. on Friday, December 17th.

Committee Meetings

ESPIONAGE ACT/WIKILEAKS

Committee on the Judiciary: Held a hearing on the Espionage Act and the Legal and Constitutional Issues Raised by WikiLeaks. Testimony was heard from public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported through the legislative day of December 24, 2010. The rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of December 24, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to section 2 of the resolution.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1193)

H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”. Signed on December 14, 2010. (Public Law 111–297)

H.R. 5651, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”. Signed on December 14, 2010. (Public Law 111–298)

H.R. 5706, to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”. Signed on December 14, 2010. (Public Law 111–299)

H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the “Sergeant Robert Barrett Post Office Building”. Signed on December 14, 2010. (Public Law 111–300)

H.R. 5773, to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building”. Signed on December 14, 2010. (Public Law 111–301)

H.R. 6162, to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items. Signed on December 14, 2010. (Public Law 111–302)

H.R. 6166, to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals. Signed on December 14, 2010. (Public Law 111–303)

H.R. 6237, to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the “Tom Kongsgaard Post Office Building”. Signed on December 14, 2010. (Public Law 111–304)

H.R. 6387, to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the “Sam Sacco Post Office Building”. Signed on December 14, 2010. (Public Law 111–305)

S. 1338, to require the accreditation of English language training programs. Signed on December 14, 2010. (Public Law 111–306)

S. 1421, to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp. Signed on December 14, 2010. (Public Law 111–307)

S. 3250, to provide for the training of Federal building personnel. Signed on December 14, 2010. (Public Law 111–308)

**COMMITTEE MEETINGS FOR FRIDAY,
DECEMBER 17, 2010**

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, December 17

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 17

Senate Chamber

Program for Friday: Senate will continue consideration of the New START Treaty.

House Chamber

Program for Friday: To be announced.

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