

# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 3082, Full-Year Continuing Appropriations Act, with an amendment.

## Senate

### Chamber Action

*Routine Proceedings, pages S10849–10934*

**Measures Introduced:** One bill was introduced, as follows: S. 4051. **Pages S10929–30**

#### Measures Reported:

Report to accompany S. 2889, to reauthorize the Surface Transportation Board. (S. Rept. No. 111–380)

Report to accompany S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public. (S. Rept. No. 111–381)

Report to accompany S. 3566, to authorize certain maritime programs of the Department of Transportation. (S. Rept. No. 111–382)

S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, with an amendment in the nature of a substitute.

S. 2982, to combat international violence against women and girls, with an amendment in the nature of a substitute.

S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, with an amendment in the nature of a substitute.

S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, with an amendment in the nature of a substitute and with an amended preamble.

S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate

acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, with an amendment in the nature of a substitute and with an amended preamble. **Page S10929**

#### Measures Passed:

**Federal Water Pollution Control:** Senate passed S. 3481, to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution, after agreeing to the following amendment proposed thereto: **Page S10933**

Harkin (for Cardin) Amendment No. 4917, in the nature of a substitute. **Page S10933**

**Energy Policy and Conservation Act:** Senate passed H.R. 5470, to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act. **Page S10933**

**Indian Pueblo Cultural Center Clarification Act:** Senate passed H.R. 4445, to amend Public Law 95–232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico. **Pages S10933–34**

**Ohkay Owingeh Pueblo:** Senate passed S. 3903, to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo, after agreeing to the committee amendments. **Page S10934**

#### House Messages:

**Full-Year Continuing Appropriations Act:** By 79 yeas to 16 nays (Vote No. 289), Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, with

Reid Amendment No. 4885 (to the House amendment to the Senate amendment), of a perfecting nature, after taking action on the following amendments and motions proposed thereto: **Page S10852**

Withdrawn:

Reid Amendment No. 4886 (to Amendment No. 4885), to change the enactment date. **Pages S10852, S10885**

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

By 82 yeas to 14 nays (Vote No. 288), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4885 (listed above). **Pages S10853, S10868**

Reid motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 4887, to provide for a study, fell when cloture was invoked on the motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4885. **Pages S10852, S10868**

Reid Amendment No. 4888 (to (the instructions) Amendment No. 4887), of a perfecting nature, fell when Reid Amendment No. 4887, fell. **Pages S10852, S10868**

Reid Amendment No. 4889 (to Amendment No. 4888), of a perfecting nature, fell when Reid Amendment No. 4888, fell. **Pages S10852, S10869**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that Senator Webb be authorized to sign any duly enrolled bills and joint resolutions beginning December 27, 2010 through 11:59 a.m., Monday, January 3, 2011. **Page S10934**

**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, taking action on the following amendments proposed thereto: **Page S10888–21**

Adopted:

Kerry (for Kyl) Amendment No. 4864, to require a certification that the President intends to modernize the triad of strategic nuclear delivery vehicles. **Page S10915**

Kerry (for LeMieux) Modified Amendment No. 4908, to require negotiations to address the disparity between tactical nuclear weapons stockpiles. **Pages S10915–21**

Rejected:

By 32 yeas to 63 nays (Vote No. 293), Ensign Amendment No. 4855, to amend the Treaty to provide for a clear definition of rail-mobile missiles. **Pages S10894–99, S10903**

Risch Amendment No. 4878, to provide a condition regarding the return of stolen United States Military equipment. (By 61 yeas to 32 nays (Vote No. 294), Senate tabled the amendment.) **Pages S10899, S10903–04**

By 34 yeas to 59 nays (Vote No. 295), Wicker/Kyl Amendment No. 4895, to provide an understanding that provisions adopted in the Bilateral Consultative Commission that affect substantive rights or obligations under the Treaty are those that create new rights or obligations for the United States and must therefore be submitted to the Senate for its advice and consent. **Pages S10904–06, S10913**

By 31 yeas to 62 nays (Vote No. 296), Kyl Amendment No. 4860, to require a certification that the President has negotiated a legally binding side agreement with the Russian Federation that the Russian Federation will not deploy a significant number of nuclear-armed sea-launched cruise missiles during the duration of the New START Treaty. **Pages S10906–09, S10913–14**

By 30 yeas to 63 nays (Vote No. 297), Kyl Amendment No. 4893, to provide that the advice and consent of the Senate to ratification of the New START Treaty is subject to an understanding regarding the non-use of covers by the Russian Federation that tend to interfere with Type One inspections and accurate warhead counting, is subject to the United States and the Russian Federation reaching an agreement regarding access and monitoring, and is subject to a certification that the Russian Federation has agreed that it will not deny telemetric exchanges on new ballistic missile systems it deploys during the duration of the Treaty. **Pages S10909–13, S10914–15**

**Pending:**

Corker Modified Amendment No. 4904, to provide a condition and an additional element of the understanding regarding the effectiveness and viability of the New START Treaty and United States missile defenses. **Page S10888**

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

By 67 yeas to 28 nays (Vote No. 292), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the treaty. **Page S10888**

A unanimous-consent agreement was reached providing for further consideration of the treaty at approximately 9 a.m., on Wednesday, December 22, 2010, and that the time during adjournment or period of morning business count post-cloture. **Page S10934**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 56 yeas 39 nays (Vote No. EX. 290), Benita Y. Pearson, of Ohio, to be United States District Judge for the Northern District of Ohio.

**Pages S10885–87**

By 58 yeas 37 nays (Vote No. EX. 291), William Joseph Martinez, of Colorado, to be United States District Judge for the District of Colorado.

**Pages S10885–88**

Messages from the House:

**Pages S10928–29**

Additional Cosponsors:

**Page S10930**

Statements on Introduced Bills/Resolutions:

**Pages S10930–32**

Additional Statements:

**Pages S10927–28**

Amendments Submitted:

**Pages S10932–33**

Authorities for Committees to Meet: **Page S10933**

**Record Votes:** Ten record votes were taken today. (Total—297) **Pages S10853, S10885, S10887, S10888, S10903, S10903–04, S10913, S10914**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 11:05 p.m., until 9 a.m. on Wednesday, December 22, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10934.)

## 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.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 10 public bills, H.R. 6560–6569 were introduced.

**Pages H8940–41**

Additional Cosponsors:

**Page H8941**

**Reports Filed:** Reports were filed today as follows:

H.R. 6116, to reform the financing of House elections, and for other purposes (H. Rept. 111–691, Pt. 1);

H. Res. 1781, providing for consideration of the Senate amendment to the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; providing for consideration of the Senate amendments to the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; and providing for consideration of the Senate amendment to the bill (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 (H. Rept. 111–692);

H.R. 2811, to amend title 18, United States Code, to include constrictor snakes of the species

Python genera as an injurious animal, with an amendment (H. Rept. 111–693); and

H. Res. 1782, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–694). **Page H8941**

**Chaplain:** The prayer was offered by the guest chaplain, Monsignor Stephen J. Rossetti, Catholic University of America, Washington, DC. **Page H8787**

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

*Shark Conservation Act:* Concurred in the Senate amendment to H.R. 81, to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks;

**Pages H8790–92**

*Diesel Emissions Reduction Act of 2010:* Concurred in the Senate amendments to H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; **Pages H8792–98**

*Defense Level Playing Field Act:* H.R. 6540, to require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage

that an offeror may possess, by a  $\frac{2}{3}$  ye-a-and-nay vote of 325 yeas to 23 nays, Roll No. 658;

**Pages H8798–H8801, H8819–20**

**Protecting Students from Sexual and Violent Predators Act:** H.R. 6547, to amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees, by a  $\frac{2}{3}$  ye-a-and-nay vote of 314 yeas to 20 nays, Roll No. 663;

**Pages H8801–02**

**Section 202 Supportive Housing for the Elderly Act:** S. 118, to amend section 202 of the Housing Act of 1959 and to improve the program under such section for supportive housing for the elderly;

**Pages H8802–06**

**Frank Melville Supportive Housing Investment Act:** S. 1481, to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities;

**Pages H8806–11**

**Anti-Border Corruption Act of 2010:** S. 3243, to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background re-investigations of certain law enforcement personnel;

**Pages H8811–13, H8893**

**Northern Border Counternarcotics Strategy Act of 2010:** Concurred in the Senate amendment to H.R. 4748, to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy;

**Pages H8813–14**

**Pre-Disaster Mitigation Act:** Concurred in the Senate amendment to H.R. 1746, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency; and

**Pages H8814–17**

**Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010:** S. 2925, amended, to establish a grant program to benefit victims of sex trafficking.

**Pages H8893–H8901, H8915**

**Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules:** 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, by a ye-a-and-nay vote of 199 yeas to 151 nays, Roll No. 657, after the previous question was ordered without objection.

**Pages H8817–19**

**America COMPETES Reauthorization Act of 2010:** The House concurred in the Senate amendment to H.R. 5116, to invest in innovation through research and development and to improve the competitiveness of the United States, by a ye-a-and-nay vote of 228 yeas to 130 nays, Roll No. 659.

**Pages H8817, H8820–52, H8890–91**

H. Res. 1781, the rule providing for consideration of the Senate amendment to the bill (H.R. 5116), the Senate amendments to the bill (H.R. 2751) and the Senate amendment to the bill (H.R. 2142) was agreed to by voice vote after the previous question was ordered without objection.

**Page H8817**

**National Committee on Vital and Health Statistics—Appointment:** The Chair announced the Speaker's appointment of the following member to the National Committee on Vital and Health Statistics for a term of 4 years: Dr. Vickie M. Mays of Los Angeles, CA.

**Page H8852**

**Commission on Key National Indicators—Appointment:** The Chair announced the Speaker's appointment of the following members to the Commission on Key National Indicators: Dr. Stephen Heintz of New York, NY and in addition, Dr. Marta Tienda of Princeton, NJ.

**Page H8852**

**Order of Procedure:** Agreed by unanimous consent that the Speaker may postpone further proceedings on the following measures as though under clause 8(a)(1)(A) of rule XX: Motion to concur in the Senate amendments to H.R. 2142 and motion to concur in Senate amendment to H.R. 2751.

**Page H8852**

**Government Efficiency, Effectiveness, and Performance Improvement Act of 2010:** Concurred in the Senate amendment to 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, by a ye-a-and-nay vote of 216 yeas to 139 nays, Roll No. 660.

**Pages H8852–61, H8891–92**

H. Res. 1781, the rule providing for consideration of the Senate amendment to the bill (H.R. 5116), the Senate amendments to the bill (H.R. 2751) and the Senate amendment to the bill (H.R. 2142) was agreed to by voice vote after the previous question was ordered without objection.

**Page H8861**

**FDA Food Safety Modernization Act:** Concurred in the Senate amendments to H.R. 2751, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, by a  $\frac{2}{3}$  ye-a-and-nay vote of 215 yeas to 144 nays, Roll No. 661.

**Pages H8861–90, H8892**

H. Res. 1781, the rule providing for consideration of the Senate amendment to the bill (H.R. 5116), the Senate amendments to the bill (H.R. 2751) and the Senate amendment to the bill (H.R. 2142) was agreed to by voice vote after the previous question was ordered without objection. **Page H8861**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which was debated on Friday, December 17th:

**First Lieutenant Robert Wilson Collins Post Office Building Designation Act:** 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”. **Page H8893**

**Military Construction and Veterans Affairs Appropriations Act, 2010:** The House concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 193 yeas to 165 nays, Roll No. 662. **Pages H8893, H8901–15**

H. Res. 1782, the rule providing for consideration of the Senate amendment, was agreed to by voice vote after the previous question was ordered without objection. **Pages H8914–15**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, December 22nd. **Page H8916**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein she appointed Representative Edwards (MD) or, if she is not available, Representative Connolly (VA) to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eleventh Congress. **Page H8916**

**Commission on Key National Indicators—Appointment:** Read a letter from Representative Boehner, Minority Leader, in which he appointed the following members to the Commission on Key National Indicators: Mr. Marcus Peacock of Washington, DC and Mr. Tomas J. Philipson of Chicago, IL. **Page H8916**

**Indian Law and Order Commission—Appointment:** Read a letter from Representative Boehner, Minority Leader, in which he appointed the following member to the Indian Law and Order Commission: Mr. Thomas Gede of San Francisco, CA. **Page H8916**

**United States-China Economic and Security Review Commission—Reappointment:** Read a letter from Representative Boehner, Minority Leader, in which he reappointed Mr. Larry Wortzel to the United States-China Economic and Security Review Commission, effective January 1, 2011. **Page H8916**

**Senate Messages:** Messages received from the Senate today and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H8789, H8852, H8860.

**Senate Referrals:** S. 118 and S. 3481 were held at the desk. **Page H8852**

**Quorum Calls—Votes:** Seven yea-and-nay votes developed during the proceedings of today and appear on pages H8818–19, H8819–20, H8890, H8891, H8892, H8914–15, H8915. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:40 p.m.

## Committee Meetings

### SENATE AMENDMENTS TO THE FOLLOWING—AMERICA COMPETES REAUTHORIZATION ACT; FDA SAFETY MODERNIZATION ACT; AND THE GPRA MODERNIZATION ACT

**Committee on Rules:** Granted, by voice vote, rule providing for the consideration of the Senate amendment to H.R. 5116, the America COMPETES Reauthorization Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Science and Technology that the House concur in the Senate amendment to H.R. 5116. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read.

The rule provides for the consideration of the Senate amendments to H.R. 2751, the FDA Food Safety Modernization Act. The rule makes in order a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendments to H.R. 2751. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule

provides that the Senate amendments shall be considered as read.

The rule provides for the consideration of the Senate amendment to H.R. 2142, the GPRA Modernization Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Oversight and Government Reform that the House concur in the Senate amendment to H.R. 2142. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendment shall be considered as read.

### CONTINUING APPROPRIATIONS AND SURFACE TRANSPORTATION EXTENSIONS ACT, 2011

*Committee on Rules:* The Committee granted, by a non-record vote, a rule for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 3082, the Continuing Appropriations and Surface Transportation Extension Act, 2011. The rule makes in order a motion offered by the chair of the Committee on Appropriations that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 3082. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read.

### *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. D1225)*

H.R. 2480, to improve the accuracy of fur product labeling. Signed on December 18, 2010. (Public Law 111-313)

H.R. 3237, to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs". Signed on December 18, 2010. (Public Law 111-314)

H.R. 6184, to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits. Signed on December 18, 2010. (Public Law 111-315)

H.R. 6399, to improve certain administrative operations of the Office of the Architect of the Capitol. Signed on December 18, 2010. (Public Law 111-316)

H.J. Res. 105, making further continuing appropriations for fiscal year 2011. Signed on December 18, 2010. (Public Law 111-317)

S. 3789, to limit access to social security account numbers. Signed on December 18, 2010. (Public Law 111-318)

S. 3987, to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors. Signed on December 18, 2010. (Public Law 111-319)

S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts. Signed on December 20, 2010. (Public Law 111-320)

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### COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 22, 2010

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings are scheduled.

#### House

No committee meetings are scheduled.

Next Meeting of the SENATE

9 a.m., Wednesday, December 22

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, December 22

Senate Chamber

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

House Chamber

Program for Wednesday: To be announced.

## Extensions of Remarks, as inserted in this issue

### HOUSE

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