

CORRECTION

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8009–S8078*

**Measures Introduced:** Nine bills and five resolutions were introduced, as follows: S. 1924–1932, S.J. Res. 30–32, and S. Res. 340–341. **Pages S8067–68**

#### Measures Passed:

*National Christmas Tree Week:* Senate agreed to S. Res. 341, designating the first full week of December in 2011 as “National Christmas Tree Week”. **Page S8074**

#### Measures Considered:

*Department of Defense Authorization Act—Agreement:* Senate continued consideration of S. 1867, to authorize appropriations for fiscal year 2012 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 proposed thereto: **Pages S8012–54, S8060–62**

#### Adopted:

McCain (for Wicker) Amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages. **Pages S8013, S8015**

McCain (for Ayotte) Amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014. **Pages S8013, S8015**

Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace. **Pages S8013, S8015**

McCain (for Wicker) Amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector. **Pages S8013, S8015**

Levin (for Shaheen) Amendment No. 1122, to authorize the acquisition of real property and associated real property interests in the vicinity of Hanover,

New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. **Pages S8016–17**

Levin (for Reid) Amendment No. 1129, to redesignate the Mike O’Callaghan Federal Hospital in Nevada as the Mike O’Callaghan Federal Medical Center. **Page S8017**

Levin (for Reid/Inhofe) Amendment No. 1130, to clarify certain provisions of the Clean Air Act relating to fire suppression agents. **Page S8017**

Ayotte (for McCain/Ayotte) Amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources. **Pages S8013, S8015**

Ayotte (for Blunt) Amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy. **Pages S8014, S8015**

Levin (for Hagan/Portman) Amendment No. 1143, to require the Comptroller General to review medical research and development sponsored by the Department of Defense relating to improved combat casualty care and saving lives on the battlefield. **Page S8017**

Begich/Murkowski Modified Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska. **Pages S8012, S8017–18**

Levin (for Warner) Amendment No. 1162, to provide for the consideration of energy security and reliability in the development and implementation of energy performance goals. **Page S8018**

Levin (for Warner) Amendment No. 1164, to promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India. **Page S8018**

Levin (for Warner) Amendment No. 1165, to express the sense of Congress on the use of modeling and simulation in Department of Defense activities. **Page S8018**

Levin (for Warner) Amendment No. 1166, to express the sense of Congress on ties between the Joint Warfighting and Coalition Center and the Allied Command Transformation of NATO. **Page S8018**

Levin (for Warner) Modified Amendment No. 1167, to require a report on the effects of planned

reductions of personnel at the Joint Warfare Analysis Center on personnel skills at the Center. **Page S8018**

Levin (for Murray) Modified Amendment No. 1178, to require a report on the authorities available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels. **Page S8018**

Collins Modified Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. **Pages S8012, S8015–16**

Sessions Modified Amendment No. 1183, to require reports to Congress on the modification of the force structure for strategic nuclear weapons delivery systems of the United States. **Pages S8013, S8016**

Levin (for Coburn) Amendment No. 1207, to require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense. **Page S8018**

Levin (for Nelson (FL)) Amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida. **Pages S8014, S8015**

McCain/Portman Amendment No. 1227, to require a Comptroller General report on redundancies, inefficiencies, and gaps in DOD 6.1–6.3 Science and Technology (S&T) programs. **Pages S8018–19**

Casey Modified Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. **Page S8016**

McCain/Portman Amendment No. 1228, to require a Comptroller General report on Science, Technology, Engineering, and Math (STEM) initiatives. **Page S8019**

Levin (for Shaheen) Amendment No. 1237, to require a Department of Defense assessment of the industrial base for night vision image intensification sensors. **Page S8019**

Levin (for Warner) Amendment No. 1240, to provide for installation energy metering requirements. **Page S8019**

McCain Amendment No. 1245, to provide for increased efficiency and a reduction of Federal spending required for data servers and centers. **Page S8019**

Ayotte (for McCain) Amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter. **Pages S8013, S8015**

Levin (for Warner) Amendment No. 1266, to establish a training policy for Department of Defense energy managers. **Page S8019**

Levin (for Baucus) Amendment No. 1276, to require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skill required of military occupational specialties. **Pages S8019–20**

McCain Amendment No. 1280, to require the Secretary of Defense to submit, with the budget justification materials supporting the Department of Defense budget request for fiscal year 2013, information on the implementation of recommendations made by the Government Accountability Office with respect to the acquisition of launch services through the Evolved Expendable Launch Vehicle program. **Page S8020**

Ayotte (for McCain) Modified Amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia. **Pages S8014, S8016**

Levin (for Webb/Graham) Amendment No. 1298, to extend the time limit for submittal of claims under TRICARE for care provided outside the United States. **Page S8020**

Levin Amendment No. 1301, to authorize the award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War. **Page S8020**

Levin/McCain Amendment No. 1303, to authorize the exchange with the United Kingdom of certain F–35 Lightning II Joint Strike Fighter aircraft. **Page S8020**

Levin (for Hatch) Amendment No. 1315, to require the Secretary of Defense to submit to Congress a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors. **Page S8020**

Levin (for Portman) Amendment No. 1317, to require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats. **Pages S8020–21**

Levin (for Cochran/Wicker) Amendment No. 1324, to extend the authorization for a military construction project for the Air National Guard to relocate a munitions storage complex at Gulfport-Biloxi International Airport, Mississippi. **Page S8021**

Levin (for Risch) Amendment No. 1326, to require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States. **Page S8021**

Levin (for Lieberman/Cornyn) Amendment No. 1332, to require a report on the approval and implementation of the Air Sea Battle Concept. **Page S8021**

McCain (for Corker) Modified Amendment No. 1172, to require a report assessing the reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom. **Pages S8033–35**

Merkley Modified Amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Pages S8013, S8045–48, S8048–49**

Ayotte (for McCain) Amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security. **Pages S8013, S8049–50**

Ayotte (for McCain) Modified Amendment No. 1246, to require the Secretary of Defense to consult with the Armed Services committees in commissioning an independent assessment of United States security interests in East Asia and the Pacific region. **Pages S8013, S8060–61**

Sessions Modified Amendment No. 1185, to require a report on the missile defense hedging strategy of the United States. **Page S8061**

Inhofe Modified Amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base. **Pages S8013, S8061–62**

Withdrawn:

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland. **Pages S8012, S8032**

Ayotte (for McCain) Further Modified Amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime. **Pages S8013, S8033**

McCain (for Ayotte) Modified Amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities. **Pages S8013, S8053–54**

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities. **Pages S8012, S8062**

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling. **Pages S8012, S8062**

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder. **Pages S8012, S8062**

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army. **Pages S8013, S8062**

Pending:

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S8012**

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8012, S8025–26**

Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031. **Pages S8012, S8025–26, S8036–45, S8048**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S8012**

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Page S8012**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S8012**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Page S8012**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Page S8012**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S8012**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Pages S8012–13**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Page S8013**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Page S8013**

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Page S8013**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been

included in offers relating to contracts let by Federal agencies. **Page S8013**

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. **Page S8013**

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations. **Pages S8013, S8050–53**

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation. **Page S8013**

McCain (for Brown (MA)) Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service. **Page S8013**

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense. **Page S8013**

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930. **Page S8013**

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure. **Page S8013**

Udall (NM)/Schumer Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense. **Page S8013**

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies. **Page S8013**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S8013**

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss. **Page S8013**

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce. **Page S8013**

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families. **Pages S8013, S8023–24**

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty. **Page S8013**

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S8013**

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program. **Page S8013**

Leahy Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Page S8013**

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund. **Page S8013**

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon. **Page S8013**

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life. **Page S8013**

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general. **Page S8013**

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel. **Page S8013**

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya. **Page S8013**

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain

conditions related to Guam realignment have been met. **Page S8013**

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs. **Page S8013**

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts. **Page S8013**

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands. **Page S8013**

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores. **Page S8013**

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command. **Page S8013**

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels. **Page S8013**

Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force. **Pages S8013, S8030–32**

Levin (for Reed) Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category. **Page S8013**

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component. **Page S8013**

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians. **Page S8013**

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships. **Page S8014**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S8014**

Levin Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Page S8014**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Page S8014**

Chambliss Amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S8014**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Page S8014**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S8014**

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training. **Page S8014**

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material Command. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad. **Page S8014**

Ayotte (for Blunt/Gillibrand) Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. **Page S8014**

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program. **Page S8014**

Ayotte (for Murkowski) Amendment No. 1287, to provide limitations on the retirement of C-23 aircraft. **Page S8014**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Page S8014**

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S8014**

Levin (for Menendez/Kirk) Amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran. **Pages S8014, S8027-30**

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

By 88 yeas to 12 nays (Vote No. 212), 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 bill. **Pages S8021-22**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:00 a.m., on Thursday, December 1, 2011; that Levin Amendment No. 1293 (listed above), be the pending amendment; and that all time during adjournment and morning business count post-cloture on the bill. **Page S8075**

**Payroll Tax Relief—Cloture:** Senate began consideration of the motion to proceed to consideration of S. 1917, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8011-12**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 2, 2011. **Page S8011**

Subsequently, the motion to proceed was withdrawn. **Page S8011**

#### House Messages:

*Federal Courts Jurisdiction and Venue Clarification Act:* Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts. **Page S8074**

#### Appointments:

*National Commission for Review of Research and Development Programs of the United States Intelligence Community:* The Chair, on behalf of

the Republican Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107-306, as amended by Public Law 111-259, announced the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia. **Page S8075**

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

Marie F. Smith, of Hawaii, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2016.

Arunava Majumdar, of California, to be Under Secretary of Energy.

Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah.

42 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

4 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy. **Pages S8075-78**

**Nomination Discharged:** The following nomination was discharged from further committee consideration and placed on the Executive Calendar:

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, which was sent to the Senate on July 29, 2011, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S8078**

Messages from the House: **Pages S8065-66**

Measures Referred: **Page S8066**

Measures Read the First Time: **Pages S8066, S8075**

Executive Communications: **Page S8066**

Additional Cosponsors: **Pages S8068-71**

Statements on Introduced Bills/Resolutions: **Pages S8071-72**

Additional Statements: **Page S8065**

Amendments Submitted: **Pages S8072-74**

**Notices of Intent:** Page S8074  
**Authorities for Committees to Meet:** Page S8074  
**Privileges of the Floor:** Page S8074  
**Record Votes:** One record vote was taken today.  
 (Total—212) Page S8022

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:40 p.m., until 9:30 a.m. on Thursday, December 1, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8075.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the nominations of Ajit Varadaraj Pai, of Kansas, who was introduced by Senators Roberts and Moran, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission, after the nominees testified and answered questions in their own behalf.

### BALANCED BUDGET AMENDMENT

*Committee on the Judiciary:* Subcommittee on the Constitution, Civil Rights and Human Rights concluded a hearing to examine a balanced budget amendment, focusing on constitutionalizing the budget debate, including H.J. Res. 2, proposing a balanced budget amendment to the Constitution of the United States, S.J. Res. 5, proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced, S.J. Res. 23, proposing an amendment to the Constitution of the United States relative to balancing the budget, and S.J. Res. 24, proposing an amendment to the Constitution relative to requiring a balanced budget, after receiving testi-

mony from Robert Greenstein, Center on Budget and Policy Priorities, Alan B. Morrison, George Washington University Law School, Douglas Holtz-Eakin, American Action Forum, and Diana Furchtgott-Roth, Manhattan Institute for Policy Research, all of Washington, D.C.; and Robert Romasco, AARP, Burke, Virginia.

### MENTAL HEALTH CARE

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care, after receiving testimony from Mary Schohn, Director, Mental Health Operations, Antonette Zeiss, Chief Consultant, Office of Mental Health Services, Janet Kemp, National Director, Suicide Prevention Program, and Michelle Washington, Coordinator, PTSD Services and Evidence Based Psychotherapy, VA Medical Center, Wilmington, Delaware, all of the Veterans Health Administration, Department of Veterans Affairs; Barbara Van Dahlen, Give an Hour, and Colonel Charles W. Hoge, USA (Ret.), both of Bethesda, Maryland; and John Roberts, Wounded Warrior Project, Washington, D.C.

### ANTIPSYCHOTICS IN NURSING HOMES

*Special Committee on Aging:* Committee concluded a hearing to examine the human and taxpayers' cost of antipsychotics in nursing homes, after receiving testimony from Daniel Levinson, Inspector General, and Patrick Conway, Chief Medical Officer and Director, Office of Clinical Standards and Quality, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; Jonathan M. Evans, American Medical Director Association (AMDA), Columbia, Maryland; Tom Hlavacek, Alzheimer's Association of Southeast Wisconsin, Milwaukee; and Toby S. Edelman, Center for Medicare Advocacy, Inc., and Cheryl Phillips, LeadingAge, both of Washington, D.C.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 3521–3532; and 1 resolution, H.J. Res. 91 were introduced. Pages H7998–99

**Additional Cosponsors:** Pages H7999–S8000

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Brooks to act as Speaker pro tempore for today. Page H7931

**Recess:** The House recessed at 11:05 a.m. and reconvened at 12 noon. Page H7939

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Jay Therrell, Cape Coral First United Methodist Church, Cape Coral, Florida. Page H7939

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed:

*Designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”:* H. Res. 364, to designate room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”. **Pages H7943–49**

**Terminating taxpayer financing of presidential election campaigns and party conventions and terminating the Election Assistance Commission; Regulatory Flexibility Improvements Act of 2011; and Regulatory Accountability Act of 2011—Rule for Consideration:** The House agreed to H. Res. 477, the rule that is providing for consideration of H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules; and H.R. 3010, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, by a recorded vote of 239 ayes to 178 noes, Roll No. 871, after the previous question was ordered by a yea-and-nay vote of 239 yeas to 184 noes, Roll No. 870.

**Pages H7949–57, H7986–87**

**Workforce Democracy and Fairness Act:** The House passed H.R. 3094, to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, by a recorded vote of 235 ayes to 188 noes, Roll No. 869. **Pages H7957–86**

Rejected the Sutton motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 185 ayes to 239 noes, Roll No. 868. **Pages H7984–85**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

**Page H7972**

Rejected the Moore motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken by a recorded vote of 176 ayes to 241 noes, Roll No. 863. **Pages H7979–81**

Rejected:

Bishop (NY) amendment (No. 1 printed in H. Rept. 112–291) that sought to give the Board au-

thority to impose sanctions on a party for presenting a frivolous or vexatious filing during pre-election proceedings (by a recorded vote of 187 ayes to 228 noes, Roll No. 864); **Pages H7973–74, H7981**

Boswell amendment (No. 2 printed in H. Rept. 112–291) that sought to prevent employers that have paid any executive compensation bonuses in excess of 10,000 percent of the annual compensation of the average employee from engaging in open-ended litigation. Such parties are required to state their issues or positions at the outset of pre-election hearings, and prohibited from raising new, frivolous issues as a dilatory tactic (by a recorded vote of 181 ayes to 239 noes, Roll No. 865);

**Pages H7974–76, H7981–82**

Walz amendment (No. 3 printed in H. Rept. 112–291) that sought to prevent this Act from applying to businesses that have been cited for violating labor laws in the past year against employees who are veterans of the Armed Forces (by a recorded vote of 200 ayes to 221 noes, Roll No. 866); and

**Pages H7976–77, H7982–83**

Jackson Lee amendment (No. 4 printed in H. Rept. 112–291) that sought to strike a section of the bill to ensure that employers would not be able to unnecessarily delay an election (by a recorded vote of 188 ayes to 236 noes, Roll No. 867).

**Pages H7977–79, H7983**

H. Res. 470, the rule providing for consideration of the bill, was agreed to on November 18th.

**Quorum Calls—Votes:** One yea-and-nay vote and eight recorded votes developed during the proceedings of today and appear on pages H7980–81, H7981, H7981–82, H7982–83, H7983, H7985, H7985–86, H7986–87, H7987. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:40 p.m.

## Committee Meetings

### KEEPING COLLEGE WITHIN REACH

*Committee on Education and the Workforce:* Subcommittee on Higher Education and Workforce Training held a hearing entitled “Keeping College within Reach: Discussing Ways Institutions Can Streamline Costs and Reduce Tuition.” Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Full Committee continued markup of the following: H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011”; and H.R. 1173, the “Fiscal Responsibility and Retirement Security Act of 2011”. Both bills were ordered reported, as amended.

**MISCELLANEOUS MEASURES**

*Committee on Financial Services:* Full Committee markup of the following: H.R. 2682, the “Business Risk Mitigation and Price Stabilization Act of 2011”; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall; H.R. 2586, the “Swap Execution Facility Clarification Act”; and H.R. 3512, to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed. The following were ordered reported without amendment: H.R. 2682 and H.R. 3512. The following were ordered reported, as amended: H.R. 2586 and H.R. 2779.

**MISCELLANEOUS MEASURES**

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a markup of H. Res. 376, calling for the repatriation of POW/MIAs and abductees from the Korean War. The resolution was forwarded, as amended.

**REPUBLIC OF PALAU**

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a hearing entitled “Compact of Free Association with the Republic of Palau: Assessing the 15-year Review.” Testimony was heard from James L. Loi, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; Thomas Bussanich, Director of Budget, Office of Insular Affairs, Department of the Interior; Brigadier General Richard L. Simcock, II, Principal Director, South and Southeast Asia, Office of the Deputy Under Secretary of Defense; Department of Defense; and David B. Gootnick, Director, International Affairs and Trade, Government Accountability Office.

**PRESERVING PROGRESS IN IRAQ**

*Committee on Foreign Affairs:* Subcommittee on the Middle East and South Asia held a hearing entitled “Preserving Progress in Iraq, Part III: Iraq’s Police Development Program.” Testimony was heard from Brooke Darby, Deputy Assistant Secretary, International Narcotics and Law Enforcement, Department of State; Stuart W. Bowen, Jr., Inspector General, Office of the Special Inspector General for Iraq Reconstruction; and Glenn D. Furbish, Assistant Inspector General for Audits, Office of the Special Inspector General for Iraq Reconstruction.

**BOKO HARAM—EMERGING THREAT TO THE U.S. HOMELAND**

*Committee on Homeland Security:* Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Boko Haram—Emerging Threat to the U.S. Homeland.” Testimony was heard from Lauren Ploch, Africa Analyst, Congressional Research Service; and public witnesses.

**COMMITTEE FUNDS OF THE 112TH CONGRESS**

*Committee on House Administration:* Full Committee held a hearing entitled “Review of the Use of Committee Funds of the 112th Congress.” Testimony was heard from Chairman Lucas; Rep. Peterson; Chairman McKeon; Rep. Smith of Washington; Chairman Ryan of Wisconsin; Rep. Van Hollen; Chairman Kline; Rep. George Miller of California; Chairman Upton; Rep. Waxman; Chairman Bonner; Rep. Linda T. Sánchez of California; Chairman Bachus; Rep. Frank of Arizona; Chairman Ros-Lehtinen; Rep. Berman; Chairman King of New York; Rep. Thompson of Mississippi; Chairman Smith of Texas; Rep. Conyers; Chairman Hastings of Washington; Rep. Markey; Chairman Issa; Rep. Cummings; Chairman Dreier, Rep. Slaughter; Chairman Hall; Rep. Eddie Bernice Johnson of Texas; Chairman Graves; Rep. Velázquez; Chairman Mica; Rep. Rahall; Chairman Miller of Florida; Rep. Filner; Chairman Camp; Rep. Levin; Chairman Rogers of Michigan; and Rep. Ruppertsberger.

**SALES TAXES E-COMMERCE**

*Committee on the Judiciary:* Full Committee held a hearing entitled “Constitutional Limitations on States’ Authority to Collect Sales Taxes in E-Commerce.” Testimony was heard from John Otto, Texas House of Representatives; and public witnesses.

**SECURE COMMUNITIES**

*Committee on the Judiciary:* Subcommittee on Immigration Policy and Enforcement held a hearing entitled “Is Secure Communities Keeping Our Communities Secure?” Testimony was heard from Gary Mead, Executive Associate Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

**DOT’S PROPOSED BILLION DOLLAR SERVICE RULE**

*Committee on Oversight and Government Reform:* Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending held a hearing entitled “The Price of Uncertainty: How Much Could DOT’s Proposed Billion Dollar Service Rule Cost Consumers this Holiday Season?” Testimony was heard from Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

**DRUG SHORTAGE CRISIS**

*Committee on Oversight and Government Reform:* Subcommittee on Health Care, District of Columbia,

Census and the National Archives held a hearing entitled “Drug Shortage Crisis: Lives are in the Balance.” Testimony was heard from public witnesses.

### STIMULUS OVERSIGHT

*Committee on Science, Space, and Technology:* Subcommittee on Investigations and Oversight held a hearing entitled “Stimulus Oversight: An Update on Accountability, Transparency, and Performance.” Testimony was heard from Frank Rusco, Director, Natural Resources and Environment Team, Government Accountability Office; Michael Wood, Executive Director, Recovery Accountability and Transparency Board; Gregory Friedman, Inspector General, Department of Energy; Todd Zinser, Inspector General, Department of Commerce; Allison Lerner, Inspector General, National Science Foundation; and Gail Robinson, Deputy Inspector General, National Aeronautics and Space Administration.

### FOSTERING QUALITY SCIENCE AT EPA

*Committee on Science, Space, and Technology:* Subcommittee on Energy and Environment held a hearing entitled “Fostering Quality Science at EPA: Perspectives on Common Sense Reform.” Testimony was heard from public witnesses.

### DISASTER ASSISTANCE

*Committee on Small Business:* Full Committee held a hearing entitled “Disaster Assistance: Is SBA Meeting the Recovery Needs of Disaster Victims?” Testimony was heard from James Rivera, Associate Administrator, Office of Disaster Assistance, Small Business Administration; and William Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

### MISSOURI RIVER FLOOD

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing entitled “The Missouri River Flood: An Assessment of River Management in 2011 and Operational Plans for the Future.” Testimony was heard from Rep. Noem; Rep. Hartzler; Rep. Luetkemeyer; Rep. King of Iowa; Rep. Cleaver; Rep. Berg; Rep. Fortenberry; Rep. Jenkins; Rep. Latham; Brigadier General John McMahon, Commander and Division Engineer, United States Army Corps of Engineers, Northwestern Division; Brad Lawrence, Director of Public Works, City of Fort Pierre, South Dakota; Kathy Kunkel, County Clerk Holt County, Missouri; and public witnesses.

### SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CERTIFICATION PROCESS

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigations; and Subcommittee on Eco-

nomics Opportunity held a joint hearing on the U.S. Department of Veterans Affairs Service-Disabled Veteran-Owned Small Business Certification Process. Testimony was heard from Thomas J. Leney, Executive Director, Small and Veteran Business Programs, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs; Gregory D. Kutz, Forensic Audits and Investigative Service, Government Accountability Office; and Ralph O. White, Managing Associate General Counsel for Procurement Law, Office of General Counsel, Government Accountability Office.

## 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. D1268)

H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition. Signed on November 29, 2011. (Public Law 112–61)

S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties. Signed on November 29, 2011. (Public Law 112–62)

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### COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 1, 2011

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine continuing oversight of the “Wall Street Reform and Consumer Protection Act”, 10 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine spurring job growth through capital formation while protecting investors, 10 a.m., SD–538.

*Committee on Foreign Relations:* to hold hearings to examine United States strategic objectives towards Iran, 10 a.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the financial and societal costs of medicating America's foster children, 10:30 a.m., SD–342.

Full Committee, to hold hearings to examine insider trading and congressional accountability, 2:30 p.m., SD–342.

*Committee on Indian Affairs*: to hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country, 2:15 p.m., SD-628.

*Committee on the Judiciary*: business meeting to consider S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, David Campos Guaderrama, to be United States District Judge for the Western District of Texas, and Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, 10 a.m., SD-226.

### House

*Committee on Agriculture*, Subcommittee on Department Operations, Oversight, and Credit, hearing to review updates on USDA Inspector General audits, including SNAP fraud detection efforts and IT compliance, 10 a.m., 1300 Longworth.

*Committee on Energy and Commerce*, Subcommittee on Communications and Technology, markup of the “Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011.” 10 a.m., 2123 Rayburn.

*Committee on Financial Services*, Full Committee, hearing entitled “Perspectives on the Health of the FHA Single-family Insurance Fund.” 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Oversight of the Federal Housing Finance Agency.” 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, hearing entitled “Democracy Held Hostage in Nicaragua: Part I.” 10:05 a.m., 2172 Rayburn.

*Committee on the Judiciary*, Full Committee, markup of the following: H.R. 2572, the “Clean Up Government Act of 2011;” and H.R. 1433, the “Private Property Rights Protection Act of 2011”. 10 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Full Committee, hearing on the following: H.R. 594, the “Coastal Jobs Creation Act of 2011”; H.R. 1013, the “Strengthen Fisheries Management in New England Act of 2011”; H.R. 1646, the “American Angler Preservation Act”; H.R. 2304, the “Fishery Science Improvement Act of 2011”; H.R. 2610, the “Asset Forfeiture Fund Reform and Distribution Act of 2011”; H.R. 2753, the “Fishery Management Transparency and Accountability Act”; H.R. 2772, the “Saving Fishing Jobs Act of 2011”; and H.R. 3061, the “Flexibility and Access in Rebuilding American Fisheries Act of 2011”. 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, Full Committee, hearing entitled “HHS and the Catholic Church: Examining the Politicization of Grants.” 9:30 a.m., 2154 Rayburn.

*Committee on Rules*, Full Committee, hearing on H.R. 10, the “Regulations from the Executive in Need of Scrutiny Act of 2011.” 3 p.m., H-313 Capitol.

*Committee on Science, Space, and Technology*, Full Committee, markup of H.R. 3479, the Natural Hazards Risk Reduction Act of 2011, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Subcommittee on Healthcare and Technology, hearing entitled “Cyber Security: Protecting Your Small Business.” 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Coast Guard and Maritime Transportation, hearing entitled “Protecting U.S. Sovereignty: Coast Guard Operations in the Arctic.” 11 a.m., 2167 Rayburn.

*House Permanent Select Committee on Intelligence*, Full Committee, markup of the “Cyber Intelligence Sharing and Protection Act of 2011.” 3 p.m., HVC-304.

## Next Meeting of the SENATE

9:30 a.m., Thursday, December 1

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 1

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 1867, Department of Defense Authorization Act.

## House Chamber

**Program for Thursday:** Consideration of H.R. 3463—To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission (Subject to a Rule). Begin consideration of H.R. 527—Regulatory Flexibility Improvements Act of 2011 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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# Congressional Record

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