

# Daily Digest

## HIGHLIGHTS

See *Résumé of Congressional Activity*.

Senate passed National Defense Authorization bills.

## Senate

### Chamber Action

*Routine Proceedings, pages S8079–S8159*

**Measures Introduced:** Seven bills and two resolutions were introduced, as follows: S. 1933–1939, S. Res. 342, and S. Con. Res. 33. **Pages S8148–49**

#### Measures Reported:

S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, and with an amended preamble.

S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, with an amendment in the nature of a substitute.

S. 1792, to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children. **Page S8148**

#### Measures Passed:

*Department of Defense Authorization Act:* By 93 yeas to 7 nays (Vote No. 218), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S8094–8138**

Adopted:

Begich Modified Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for mem-

bers 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. **Pages S8094, S8116–17**

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. **Pages S8095, S8116**

Levin (for Reed) Modified 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. **Pages S8095, S8116–17**

Levin Modified Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Pages S8095, S8116–17**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Pages S8095, S8109, S8115–16, S8116**

Chambliss Modified Amendment No. 1304, to require a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes. **Pages S8095, S8116–17**

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. **Pages S8095, S8116**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command. **Pages S8095, S8116**

Ayotte (for Blunt/Gillibrand) Modified Amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty. **Pages S8095, S8116–17**

Ayotte (for Murkowski) Modified Amendment No. 1287, to provide limitations on the retirement of C-23 aircraft. **Pages S8095, S8116-17**

McCain (for Brown (MA)) Modified 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. **Pages S8094-95, S8115, S8116-17**

By 99 yeas to 1 nay (Vote No. 215), Feinstein Amendment No. 1456, of a perfecting nature. **Pages S8123-24, S8125**

By a unanimous vote of 100 yeas (Vote No. 216), 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 S8095, S8105-07, S8125-26**

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. **Pages S8095, S8126**

Leahy Modified Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Pages S8127-28**

Udall (NM)/Schumer Modified 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. **Pages S8095, S8128**

#### Rejected:

By 45 yeas to 55 nays (Vote No. 213), Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8094, S8095-S8105, S8107-08**

By 45 yeas to 55 nays (Vote No. 214), Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031. **Pages S8094, S8110-11, S8122-23, S8124-25**

By 41 yeas to 59 nays (Vote No. 217), 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 S8095, S8113-15, S8126-27**

#### Withdrawn:

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. **Pages S8094, S8107**

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. **Pages S8094, S8117**

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. **Pages S8094, S8117**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Pages S8095, S8122**

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. **Pages S8095, S8122**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8095, S8126**

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

Chair sustained a point of order under Rule XXII, that the following amendments were not germane, and the amendments thus fell:

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 S8095**

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 S8095**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S8095**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S8095**

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 S8095**

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 S8095**

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

**Page S8095**

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 S8095**

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

**Page S8095**

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 S8095**

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 S8095**

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 S8095**

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 S8095**

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 S8095**

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 S8095**

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 S8095**

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

**Page S8095**

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

**Page S8095**

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

**Page S8095**

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.

**Page S8095**

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 S8095**

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

**Page S8095**

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

**Page S8095**

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

**Page S8095**

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 S8095**

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.

**Page S8094**

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 S8094**

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 S8095**

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 S8095**

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 S8095**

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 S8095**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S8095**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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. **Page S8094**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S8094**

Chair sustained a point of order that the following amendment is dilatory under cloture, and the amendment thus fell:

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 S8094**

Chair sustained a point of order that the following amendment is drafted improperly, and the amendment thus fell:

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 S8095**

*National Defense Authorization Act:* Committee on Armed Services was discharged from further consideration of H.R. 1540, 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, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1867, as amended. **Page S8138**

Senate insisted on its amendment, requested a conference with the House on the disagreeing votes of the two Houses, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Lieberman, Reed, Akaka, Nelson (NE), Webb, McCaskill, Udall (CO), Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Inhofe, Sessions, Chambliss, Wicker, Brown (MA), Portman, Ayotte, Collins, Graham, Cornyn, and Vitter. **Page S8138**

*National Guard and Reservist Debt Relief Extension Act:* Senate passed H.R. 2192, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days. **Pages S8158–59**

#### Measures Considered:

**Payroll Tax Relief:** Senate continued 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 S8138–39**

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

By 51 yeas to 49 nays (Vote No. 219), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn. **Page S8139**

**Payroll Tax Relief:** Senate began consideration of the motion to proceed to consideration of the motion to proceed to S. 1931, to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes. **Page S8139**

By 20 yeas to 78 nays (Vote No. 220), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

**Halligan Nomination—Cloture:** Senate began consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit. **Page S8140**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 1, 2011, a vote on cloture will occur on Tuesday, December 6, 2011. **Page S8140**

A unanimous-consent agreement was reached providing that on Tuesday, December 6, 2011, at 11 a.m., Senate resume consideration of the nomination; that there be one hour for debate equally divided in the usual form prior to the cloture vote. **Page S8140**

**Judicial Nominations—Agreement:** A unanimous-consent agreement was reached providing that at 4:30 p.m., on Monday, December 5, 2011, Senate begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, under the order of Friday, November 18, 2011. **Page S8159**

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

Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

A routine list in the Army. **Page S8159**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services, which was sent to the Senate on January 26, 2011. **Page S8159**

Messages from the House: **Page S8146**

Measures Placed on the Calendar: **Pages S8079, S8146**

Executive Communications: **Pages S8146–48**

Executive Reports of Committees: **Page S8148**

Additional Cosponsors: **Pages S8149–51**

Statements on Introduced Bills/Resolutions: **Pages S8151–57**

Additional Statements: **Pages S8144–45**

Amendments Submitted: **Page S8157**

Notices of Hearings/Meetings: **Page S8157**

Authorities for Committees to Meet: **Pages S8157–58**

Privileges of the Floor: **Page S8158**

**Record Votes:** Eight record votes were taken today. (Total—220) **Pages S8107–08, S8125–27, S8137, S8139**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 9:52 p.m., until 2 p.m. on Monday, December 5, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8159.)

## Committee Meetings

*(Committees not listed did not meet)*

### WALL STREET REFORM AND CONSUMER PROTECTION ACT OVERSIGHT

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine continuing oversight of the "Wall Street Reform and Consumer Protection Act," after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; and Mary L. Schapiro, Chairman, U.S. Securities and Exchange Commission.

### JOB GROWTH THROUGH CAPITAL FORMATION

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine spurring job growth through capital formation while protecting investors, including S. 1791, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, S. 1831, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, S. 1824, to amend the securities laws to establish certain thresholds for shareholder registration under that Act, S. 1544, to amend the Securities Act