

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S2767–S2814*

**Measures Introduced:** Twenty-six bills and one resolution were introduced, as follows: S. 1287–1312, and S. Res. 178. **Pages S2793–94**

#### Measures Reported:

Report to accompany S. 995, to establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements. (S. Rept. No. 114–42)

Report to accompany S. 1267, to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti. (S. Rept. No. 114–43)

Report to accompany S. 1268, to extend the trade adjustment assistance program. (S. Rept. No. 114–44) **Page S2793**

#### Measures Passed:

**Raul Hector Castro Port of Entry:** Committee on Environment and Public Works was discharged from further consideration of H.R. 1075, to designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the “Raul Hector Castro Port of Entry”, and the bill was then passed. **Page S2814**

#### Measures Considered:

**Ensuring Tax Exempt Organizations the Right to Appeal Act—Agreement:** Senate resumed consideration of the motion to proceed to consideration of H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations. **Pages S2785–92**

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

By 52 yeas to 45 nays (Vote No. 176), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S2785–87**

Senator McConnell entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S2787**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Wednesday, May 13, 2015. **Page S2814**

#### Additional Cosponsors:

**Pages S2794–96**

#### Statements on Introduced Bills/Resolutions:

**Pages S2796–99**

#### Additional Statements:

**Page S2793**

#### Amendments Submitted:

**Pages S2799–2813**

#### Authorities for Committees to Meet:

**Pages S2813–14**

**Record Votes:** One record vote was taken today. (Total—176) **Pages S2786–87**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 5:44 p.m., until 9:30 a.m. on Wednesday, May 13, 2015. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S2814.)

### Committee Meetings

(Committees not listed did not meet)

#### APPROPRIATIONS: FEDERAL COMMUNICATIONS COMMISSION

*Committee on Appropriations:* Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates and justification for fiscal year 2016 for the Federal Communications Commission, after receiving testimony from Tom Wheeler, Chairman, and Ajit Pai, Commissioner, both of the Federal Communications Commission.

#### AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on SeaPower met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the

proposed National Defense Authorization Act for fiscal year 2016.

#### AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on Strategic Forces met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2016.

#### AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on Readiness and Management Support met in open session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2016.

#### AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on Emerging Threats and Capabilities met in open session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2016.

#### AUTHORIZATION—DEFENSE

*Committee on Armed Services:* Subcommittee on Personnel met in open session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2016.

#### AMERICAN MINERAL SECURITY ACT OF 2015

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine S. 883, to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, and research capabilities in the United States, after

receiving testimony from Suzette Kimball, Acting Director, Geological Survey, Department of the Interior; Ed Fogels, Alaska Department of Natural Resources Deputy Commissioner, Anchorage, on behalf of The Interstate Mining Compact Commission; Red Conger, Freeport-McMoRan Americas, Washington, D.C., on behalf of National Mining Association; and Kevin J. Cosgriff, National Electrical Manufacturers Association, and Richard Silberglitt, The RAND Corporation, both of Arlington, Virginia.

#### CIVIL NUCLEAR AGREEMENT WITH CHINA

*Committee on Foreign Relations:* Committee concluded a hearing to examine the civil nuclear agreement with China, focusing on balancing potential risks and rewards, after receiving testimony from Thomas M. Countryman, Assistant Secretary of State, Bureau of International Security and Nonproliferation; and Lieutenant General Frank G. Klotz, USAF (Ret.), Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Safety Administration.

#### VETERANS CHOICE PROGRAM

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine the implementation and future of the Veterans Choice Program, after receiving testimony from Sloan Gibson, Deputy Secretary of Veterans Affairs; and David J. McIntyre, Jr., TriWest Healthcare Alliance, Donna Hoffmeier, Health Net Federal Services, Roscoe G. Butler, The American Legion, Darin Selnick, Concerned Veterans for America, Joseph A. Violante, Disabled American Veterans, Bill Rausch, Iraq and Afghanistan Veterans of America, and Carlos Fuentes, Veterans of Foreign Wars of the United States, all of Washington, D.C.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 38 public bills, H.R. 2247–2284; and 6 resolutions, H.J. Res. 50; and H. Res. 254, 256–259, were introduced.

**Pages H2876–77**

**Additional Cosponsors:**

**Pages H2879–80**

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

H.R. 2250, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2016, and for other purposes (H. Rept. 114–110); Supplemental report on H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military

construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (H. Rept. 114–102, Part 2); and

H. Res. 255, providing for consideration of the bill (H.R. 1735) to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; providing for consideration of the bill (H.R. 36) to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes; providing for consideration of the bill (H.R. 2048) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; and providing for consideration of motions to suspend the rules (H. Rept. 114–111). **Pages H2875–76**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Womack to act as Speaker pro tempore for today. **Page H2823**

**Recess:** The House recessed at 12:16 p.m. and reconvened at 2 p.m. **Page H2825**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, DC. **Page H2825**

**Recess:** The House recessed at 2:13 p.m. and reconvened at 4:01 p.m. **Page H2826**

**Regulatory Integrity Protection Act of 2015:** The House passed H.R. 1732, to preserve existing rights and responsibilities with respect to waters of the United States, by a recorded vote of 261 ayes to 155 noes, Roll No. 219. **Pages H2827–40, H2851–54**

Rejected the Aguilar motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a yeas-and-nay vote of 175 yeas to 241 nays, Roll No. 218. **Pages H2852–53**

Pursuant to the Rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–13, modified by the amendment printed in part A of H. Rept. 114–98, shall be considered as read. **Pages H2836–37**

Agreed to:

Kildee amendment (No. 2 printed in part B of H. Rept. 114–98) that gives a state two years to be-

come compliant with the new 'waters of the U.S.' rule in order to protect a state from automatically losing their state permitting programs through the Clean Water Act because of the new rule. **Pages H2839–40**

Rejected:

Edwards amendment (No. 1 printed in part B of H. Rept. 114–98) that sought to provide policy provisions that the Secretary and Administrator are prohibited from including in a final rule (by a recorded vote of 167 yeas to 248 noes, Roll No. 217). **Pages H2837–39**

H. Res. 231, the rule providing for consideration of the bill (H.R. 1732), the conference report to accompany the concurrent resolution (S. Con. Res. 11), and the joint resolution (H. J. Res. 43) was agreed to on April 30th.

**Recess:** The House recessed at 6:21 p.m. and reconvened at 6:31 p.m. **Page H2850**

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

**Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015:** S. 665, to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, is missing in connection with the officer's official duties, or an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer is received; **Pages H2840–46**

**Don't Tax Our Fallen Public Safety Heroes Act:** H.R. 606, to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income, by a 2/3 yeas-and-nays vote of 413 yeas with none voting "nay", Roll No. 216; **Pages H2846–48**

**Defending Public Safety Employees' Retirement Act:** H.R. 2146, amended, to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, by a 2/3 yeas-and-nays vote of 407 yeas to 5 nays, Roll No. 220; and **Pages H2848–50, H2854–55**

**Fallen Heroes Flag Act of 2015:** H.R. 723, to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty. **Pages H2856–57**

**Oath of Office—Eleventh Congressional District of New York:** Representative-elect Daniel M. Donovan, Jr. presented himself in the well of the

House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a scanned copy of a letter received from Mr. Robert A. Brehm and Mr. Todd D. Valentine, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the preliminary results of the Special Election held May 5, 2015, the Honorable Daniel M. Donovan, Jr. was elected Representative to Congress for the Eleventh Congressional District, State of New York.

Pages H2850–51

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from New York, the whole number of the House is 433.

Page H2851

**Supplemental Report:** Agreed that the Committee on Armed Services be authorized to file a supplemental report on H.R. 1735, National Defense Authorization Act for Fiscal Year 2016.

Page H2855

**WIOA Technical Amendments Act:** The House agreed to discharge from committee and pass S. 1124, to amend the Workforce Innovation and Opportunity Act to improve the Act.

Page H2855

**Expressing the condolences of the House of Representatives on the death of the Honorable James Claude Wright, Jr.:** The House agreed to H. Res. 254, expressing the condolences of the House of Representatives on the death of the Honorable James Claude Wright, Jr., a Representative from the State of Texas.

Page H2855

**Recess:** The House recessed at 9:11 p.m. and reconvened at 10:15 p.m.

Page H2865

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H2826, H2850–51.

**Senate Referrals:** S. 179, S. 136, and S. 994 were referred to the Committee on Oversight and Government Reform. S. Con. Res. 16 was referred to the Committee on Foreign Affairs.

Page H2866

**Quorum Calls—Votes:** Three yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H2850, H2851–52, H2853, H2853–54, and H2854–55. There were no quorum calls.

**Adjournment:** The House met at 12 noon and at 10:16 p.m., pursuant to H. Res. 254, the House stands adjourned until 10 a.m. on May 13, 2015 out of respect for the late Honorable James Claude Wright, Jr.

## Committee Meetings

### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT; NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016; USA FREEDOM ACT OF 2015

*Committee on Rules:* Full Committee held a hearing on H.R. 36, the “Pain-Capable Unborn Child Protection Act”; H.R. 1735, the “National Defense Authorization Act for Fiscal Year 2016” (General Debate); and H.R. 2048, the “USA FREEDOM Act of 2015”. The committee granted, by record vote of 8–3, a general debate rule for H.R. 1735. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. The rule provides that no further consideration of the bill shall be in order except pursuant to a subsequent order of the House. Additionally, the rule grants a closed rule for H.R. 36. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit with or without instructions. The rule also grants a closed rule for H.R. 2048. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in part B of the Rules Committee report shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit with or without instructions. Lastly, the rule provides that it shall be in order at any time on the legislative day of May 14, 2015, or May 15, 2015, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section. Testimony was heard from Chairman Thornberry, Chairman Goodlatte, and Representatives Smith of Washington, Courtney, Nadler, Issa, Polis, Yoder, Amash, Massie, Franks of Arizona, and Cohen.

## Joint Meetings

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR WEDNESDAY, MAY 13, 2015

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Appropriations:* Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2016 for the Bureau of Land Management, 10 a.m., SD-124.

*Committee on Armed Services:* closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2016, 9:30 a.m., SR-222.

*Committee on Foreign Relations:* to hold hearings to examine safeguarding American interests in the East and South China Seas, 2:15 p.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine securing the border, focusing on fencing, infrastructure, and technology force multipliers, 2 p.m., SD-342.

*Committee on Indian Affairs:* business meeting to consider S. 986, to require the Secretary of the Interior to take into trust 4 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to be immediately followed by an oversight hearing to examine the Bureau of Indian Education, focusing on organizational challenges in transforming educational opportunities for Indian children, 2:15 p.m., SD-628.

*Committee on the Judiciary:* to hold hearings to examine protecting the constitutional right to counsel for indigents charged with misdemeanors, 10 a.m., SD-226.

*Committee on Veterans' Affairs:* to hold hearings to examine pending benefits legislation, 3 p.m., SR-418.

#### House

*Committee on Agriculture,* Subcommittee on Biotechnology, Horticulture, and Research, hearing to review the federal coordination and response regarding pollinator health, 1:30 p.m., 1300 Longworth.

*Committee on Appropriations,* Full Committee, markup on Transportation, Housing and Urban Development, and Related Agencies Appropriations Bill for FY 2016, 10:15 a.m., 2359 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Energy and Power, hearing entitled "Discussion Drafts Addressing Hydropower Regulatory Modernization and FERC Process Coordination under the Natural Gas Act", 10 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled "Stakeholder Perspectives on the IANA Transition", 2 p.m., 2322 Rayburn.

*Committee on Financial Services,* Subcommittee on Oversight and Investigations, hearing entitled "The Dodd-Frank Act and Regulatory Overreach", 9:30 a.m., HVC-210.

Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled "Legislative Proposals to Enhance Capital Formation and Reduce Regulatory Burdens, Part II", 2 p.m., HVC-210.

*Committee on Foreign Affairs,* Full Committee, hearing entitled "Ancient Communities Under Attack: ISIS's War on Religious Minorities", 10 a.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Oversight and Management Efficiency, markup on H.R. 1615, the "DHS FOIA Efficiency Act of 2015"; H.R. 1626, the "DHS IT Duplication Reduction Act of 2015"; H.R. 1633, the "DHS Paid Administrative Leave Accountability Act of 2015"; H.R. 1640, the "Department of Homeland Security Headquarters Consolidation Accountability Act of 2015"; and H.R. 1646, the "Homeland Security Drone Assessment and Analysis Act", 10 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Courts, Intellectual Property, and the Internet, hearing entitled "Stakeholder Perspectives on ICANN: The .Sucks Domain and Essential Steps to Guarantee Trust and Accountability in the Internet's Operation", 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Full Committee, hearing entitled "The Obama Administration's CEQ Recently Revised Draft Guidance for GHG Emissions and the Effects of Climate Change", 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Full Committee, markup on a bill to clarify the effective date of the Border Patrol Agent Pay Reform Act of 2014; and hearing entitled "Transportation Security: Are Our Airports Safe?", 10 a.m., 2154 Rayburn.

Subcommittee on National Security; and Subcommittee on the Interior, joint hearing entitled "The EMP Threat: The State of Preparedness Against the Threat of an Electromagnetic Pulse (EMP) Event", 2 p.m., 2154 Rayburn.

*Committee on Rules,* Full Committee, hearing on H.R. 1735, the "National Defense Authorization Act for Fiscal Year 2016" (Amendment Consideration); and H.R. 1806, the "America COMPETES Reauthorization Act of 2015", 3 p.m., H-313 Capitol.

*Committee on Science, Space, and Technology,* Subcommittee on Energy, hearing entitled "Nuclear Energy Innovation and the National Labs", 10 a.m., 2318 Rayburn.

Full Committee, markup on the "Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015"; H.R. 1508, the "Space Resource Exploration and Utilization Act of 2015"; the "Commercial Remote Sensing Act of 2015"; and the "Office of Space Commerce Act", 2 p.m., 2318 Rayburn.

*Committee on Small Business,* Full Committee, hearing entitled "Bridging the Small Business Capital Gap: Peer-to-Peer Lending", 11 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing entitled "The 35th Anniversary of the Staggers Rail Act: Railroad Deregulation Past, Present, and Future", 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Full Committee, hearing entitled "Assessing the Promise and Progress of the Choice Program", 10 a.m., 334 Cannon.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, May 13

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of H.R. 1314, Ensuring Tax Exempt Organizations the Right to Appeal Act.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, May 13

## House Chamber

**Program for Wednesday:** Consideration of H.R. 36—Pain-Capable Unborn Child Protection Act (Subject to a Rule), H.R. 2048—USA Freedom Act of 2015 (Subject to a Rule), and H.R. 1735—National Defense Authorization Act for Fiscal Year 2016 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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