

# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 610, Protecting Medicare and American Farmers from Sequester Cuts Act.

## Senate

### *Chamber Action*

#### *Routine Proceedings, pages S9053–S9100*

**Measures Introduced:** Twenty-seven bills and one resolution were introduced, as follows: S. 3349–3375, and S.J. Res. 32. **Pages S9093–94**

#### **Measures Reported:**

S. 1428, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products, with an amendment in the nature of a substitute. **Page S9093**

#### **Measures Passed:**

*Support for the People of the Republic of South Sudan:* Senate agreed to S. Res. 380, reiterating United States support for the people of the Republic of South Sudan in their quest for lasting peace, stability, and democracy after 10 years of independence and calling for a review of United States policy toward South Sudan, after agreeing to the committee amendment in the nature of a substitute and amendment to the preamble. **Pages S9082–85**

*Joseph Woodrow Hatchett United States Courthouse and Federal Building:* Senate passed S. 2938, to designate the United States Courthouse and Federal Building located at 111 North Adams Street in Tallahassee, Florida, as the “Joseph Woodrow Hatchett United States Courthouse and Federal Building”. **Page S9085**

*Odell Horton Federal Building:* Senate passed H.R. 390, to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee as the “Odell Horton Federal Building”. **Page S9085**

*Frederick P. Stamp, Jr. Federal Building and United States Courthouse:* Senate passed H.R. 4660, to designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the “Frederick P. Stamp, Jr. Federal Building and United States Courthouse”. **Page S9085**

*Placement of a Statue:* Committee on Rules and Administration was discharged from further consideration of S. 3294, to obtain and direct the placement in the Capitol or on the Capitol Grounds of a statue to honor Associate Justice of the Supreme Court of the United States Sandra Day O’Connor and a statue to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg, and the bill was then passed. **Pages S9085–86**

#### **House Messages:**

*Protecting Medicare and American Farmers from Sequester Cuts Act:* By 59 yeas to 35 nays (Vote No. 491), Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 610, to address behavioral health and well-being among health care professionals, after taking action on the following motions and amendments proposed thereto: **Pages S9053–81**

#### **Withdrawn:**

Schumer motion to concur in the amendment of the House of Representatives to the bill, with Schumer Amendment No. 4871 (to the House amendment), to add an effective date. **Page S9081**

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

By 64 yeas to 36 nays (Vote No. 490), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Schumer motion to concur in the amendment of the House of Representatives to the bill. **Page S9057**

Schumer motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Schumer Amendment No. 4873, to add an effective date, fell when cloture was invoked on Schumer motion to concur in the amendment of the House of Representatives to the bill. **Page S9081**

Schumer Amendment No. 4874 (to the instructions (Amendment No. 4873) of the motion to refer), to modify the effective date, fell when Schumer motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Schumer Amendment No. 4873 (listed above) fell.

**Page S9081**

Schumer Amendment No. 4875 (to Amendment No. 4874), to modify the effective date, fell when Schumer Amendment No. 4874 (to the instructions (Amendment No. 4873) of the motion to refer) (listed above) fell.

**Page S9081**

Schumer Amendment No. 4872 (to Amendment No. 4871), to modify the effective date, fell when Schumer motion to concur in the amendment of the House of Representatives to the bill, with Schumer Amendment No. 4871 (to the House amendment) (listed above) was withdrawn.

**Page S9081**

**Koh Nomination—Agreement:** Senate resumed consideration of the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S9081**

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

By 51 yeas to 38 nays (Vote No. EX. 492), Senate agreed to the motion to close further debate on the nomination. **Page S9081**

**Sung Nomination—Agreement:** Senate resumed consideration of the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit. **Pages S9081–82**

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

By 48 yeas to 39 nays (Vote No. EX. 493), Senate agreed to the motion to close further debate on the nomination. **Pages S9081–82**

A unanimous-consent agreement was reached providing that all post-cloture time on the nominations of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit, and Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit, be expired and the vote on confirmation of the nomination of Lucy Haeran Koh occur at 5:30 p.m., on Monday, December 13, 2021, and the vote on confirmation of the nomination of Jennifer Sung occur at a time to be determined by the Majority Leader, in consultation with the Republican Leader; and that the motions to invoke cloture on the nomination of Samantha D. El-

liott, of New Hampshire, to be United States District Judge for the District of New Hampshire, and on the House message to accompany S. 1605, to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, ripen on Tuesday, December 14, 2021. **Page S9078**

A unanimous-consent agreement was reached providing that at approximately 3 p.m., on Monday, December 13, 2021, Senate resume consideration of the nomination of Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire. **Page S9100**

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

Stephen A. Owens, of Arizona, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Sylvia E. Johnson, of North Carolina, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. **Page S9082**

**Messages from the House:** **Pages S9092–93**

**Measures Referred:** **Page S9093**

**Measures Placed on the Calendar:** **Page S9093**

**Executive Reports of Committees:** **Page S9093**

**Additional Cosponsors:** **Pages S9094–96**

**Statements on Introduced Bills/Resolutions:** **Pages S9096–97**

**Additional Statements:** **Pages S9091–92**

**Amendments Submitted:** **Pages S9097–S9100**

**Authorities for Committees to Meet:** **Page S9100**

**Record Votes:** Four record votes were taken today. (Total—493) **Pages S9057, S9081–82**

**Adjournment:** Senate convened at 11:30 a.m. and adjourned at 7:46 p.m., until 3 p.m. on Monday, December 13, 2021. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9100.)

## Committee Meetings

(Committees not listed did not meet)

### DISRUPTING DANGEROUS ALGORITHMS

**Committee on Commerce, Science, and Transportation:** Subcommittee on Communications, Media, and Broadband concluded a hearing to examine disrupting dangerous algorithms, focusing on addressing the harms of persuasive technology, after receiving testimony from Jessica J. Gonzalez, Free Press Action, and James Poulos, Claremont Institute, both of Los Angeles, California; Rose Jackson, Atlantic Council, San Francisco, California; and Dean Eckles,

MIT Sloan School of Management, Cambridge, Massachusetts.

#### PFAS CONTAMINATION

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine Federal efforts to address PFAS contamination, after receiving testimony from Sean W. O'Donnell, Inspector General of the Environmental Protection Agency and Acting Inspector General, Michael J. Roark, Deputy Inspector General for Evaluations, Office of Inspector General, Richard Kidd, Deputy Assistant Secretary (Environment and Energy Resilience), and Laura A. Macaluso, Director, Force Safety and Occupational Health, Office of the Assistant Secretary (Readiness), all of the Department of De-

fense; Mark Johnson, Ohio Environmental Protection Agency, Columbus; Anthony M. Spaniola, Great Lakes PFAS Action Network, Troy, Michigan; and Andrea Amico, Testing for Pease, Portsmouth, New Hampshire.

#### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 2614, to provide for the modernization of electronic case management systems, with an amendment in the nature of a substitute; and

The nomination of Dawn N. Ison, to be United States Attorney for the Eastern District of Michigan, Department of Justice.

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# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 43 public bills, H.R. 6202–6244; and 1 resolution, H.J. Res. 67, were introduced.

**Pages H7634–37**

**Additional Cosponsors:**

**Pages H7638–39**

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

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

**Page H7559**

**Protecting Our Democracy Act:** The House passed H.R. 5314, to protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, by a yea-and-nay vote of 220 yeas to 208 nays, Roll No. 440.

**Pages H7562–H7617**

Rejected the Rodney Davis (IL) motion to recommit the bill to the Committee on Oversight and Reform, by a yea-and-nay vote of 212 yeas to 217 nays, Roll No. 439.

**Page H7616**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–20, modified by the amendment printed in part A of H. Rept. 117–205, shall be considered as adopted.

**Pages H7563–82**

Agreed to:

Carolyn B. Maloney (NY) amendment en bloc No. 1 consisting of the following amendments printed in part B of H. Rept. 117–205: Adams (No. 1) that requires the FEC to make an income tax return public and post online within 48 hours of receiving a

return, including redactions; Aguilar (No. 2) that requires that each state chief's election official creates a database of election officials who have received threats against them and need their personally identifiable information (PII) protected to ensure safe and fair elections; Cicilline (No. 4) that requires the White House to maintain a publicly accessible website that includes salary and financial disclosure information for White House employees; Clark (MA) (No. 5) that adds the President, Vice President, and any Cabinet member to the current statutory prohibition on members of Congress contracting with the federal government; Cohen (No. 6) that changes the definition of a "covered offense" to include pardons issued to any third degree relative of the President, any member or former member of the President's administration, any person who worked on the President's presidential campaign as a paid employee, or any person or entity when the offense at issue is motivated by a direct and significant personal or pecuniary interest of any of the described individuals; Connolly (No. 8) that protects merit system principles by limiting federal employee reclassifications to the five excepted service schedules in use prior to fiscal year 2021 (based on the bipartisan Preventing a Patronage System Act); Correa (No. 9) that closes the loophole that allows agencies to treat requests for information from members of Congress as FOIA requests by clarifying that the Freedom of Information Act prohibits executive branch agencies from responding to congressional requests for information with records that have been subject to FOIA

redactions; Correa (No. 10) that requires all Congressionally mandated reports from the executive branch to be transmitted to Congress in machine readable format; DelBene (No. 11) that directs the Federal Election Commission (FEC), in consultation with the National Institute of Standards and Technology (NIST), the Cybersecurity and Infrastructure Security Agency (CISA), and other appropriate offices, to issue guidance for political committees and vendors on cybersecurity risks and best practices; Foxx (No. 12) that creates an Inspector General for the Office of Management and Budget to bring transparency and accountability to the agency; Foxx (No. 13) that creates parity in enforcement for Oversight and Reform Committee “Rule of 7” requests to protect minority party requests for information; Gallego (No. 14) that requires the President-elect to report to Congress on individuals in an incoming administration that are seeking a security clearance and the status of that clearance, including interim clearances; Golden (No. 15) that expands President and other covered officials’ emolument disclosures to cover emoluments received or expected by spouses and dependent children, in line with other financial disclosures for spouses and dependent children in 5a USC 102(e); Issa (No. 16) that states that an incoming staffer in a Member office who already has a clearance shall not be counted against the two clearances per office that the current House rules allow; Kilmer (No. 17) that modernizes Federal Election Commission (FEC) disclosure requirements to ensure online political advertisements meet the same transparency and disclosure requirements that already apply to political ads sold on TV, radio, and satellite platforms; Lynch (No. 18) that prohibits the use of deepfakes within 60 days of a federal election and establishes corresponding criminal and civil penalties; Sean Maloney (NY) (No. 19) that clarifies language in the Former Presidents Act to state that impeachment and conviction, regardless of removal, makes a former president ineligible for benefits; McGovern (No. 20) that strengthens safeguards in the bill against presidential abuse of emergency powers by prohibiting their use for purposes other than emergencies; providing expedited procedures for joint resolutions to end emergency declarations; and ending “permanent emergencies” through a five-year limit; Ocasio-Cortez (No. 21) that expands coverage of section 3110 of title 5 of the U.S. Code to prohibit nepotistic appointments to the Executive Office of the President; Ocasio-Cortez (No. 22) that codifies President Biden’s Executive Order on ethics commitments by executive branch personnel; Ocasio-Cortez (No. 23) that directs the Office of Government Ethics to promulgate regulations establishing ethics requirements for the establishment or operation of

legal expense funds for the benefit of the President, Vice President, or any political appointee; Ocasio-Cortez (No. 24) that imposes disclosure requirements on inaugural committees, prohibits committees from taking money from foreign nationals; shadow entities; and corporations; and prohibits conversion of committee resources for personal use or for personal benefit; Omar (No. 26) that ensures agency interns are covered by whistle-blower provisions; Pascrell (No. 27) that amends Title X to clarify ability of federal officials to visit federal property prior to an election, requires disclosure of Hatch Act Investigations for certain employees, makes the Hatch Act applicable to the President and Vice President while conducting official duties on White House and White House grounds, strengthens Hatch Act violation penalties, grants the Office of Special Counsel rulemaking authority and ability to continue investigating certain employees, grants the Merit System Protection Board the ability to enforce subpoenas against certain employees, and conducts a GAO review of Hatch Act provisions; Phillips (No. 28) that explicitly prohibits conventions of national political parties for congressional, presidential, and vice-presidential candidates from being held on or in any federal property, including the White House and surrounding grounds; Phillips (No. 29) that directs the Election Assistance Commission (EAC) to establish a program to support state and local governments in the transition to ranked choice voting (a system in which voters rank candidates in order of preference); Quigley (No. 30) that requires the President to establish and periodically update a public database of White House visitor records, including the names of visitors, with whom visitors met, and the purpose of the visit; Raskin (No. 31) that strengthens Title II of the Act to ensure that if a sitting President or Vice President is indicted while in office, a trial or other legal proceeding may only be delayed if it interferes with the defendant’s official duties and ensures the burden to delay legal proceedings falls on the defendant; Ross (No. 32) that prohibits the President from requiring an officer or employee of the Executive Office of the President to enter into a nondisclosure agreement that is not related to the protection of classified or controlled unclassified information as a condition of employment or upon separation from the civil service; Ross (No. 33) that directs the Department of Justice (DOJ) to create an election threats task force to work with federal, state, and local partners to prioritize identifying, investigating, and prosecuting threats and acts of violence against election officials, workers, and their families; and Scanlon (No. 34) that changes the frequency

that the Inspector General of the Department of Justice must report to Congress improper communications between DOJ and the White House (by a yea-and-nay vote of 218 yeas to 211 nays, Roll No. 436). **Pages H7594–H7608, H7613–14**

Rejected:

Carolyn B. Maloney (NY) amendment en bloc No. 2 consisting of the following amendments printed in part B of H. Rept. 117–205: Burgess (No. 3) that sought to strike Title II; and Comer (No. 7) that sought to strike all sections of the bill and retitle as the “Inspector General Stability Act”, but preserve a modified Title VII Subtitle A (Requiring Cause for Removal) which instead requires Congressional notification and a detailed rationale prior to an IG’s removal, and also preserves Title VII Subtitle C (Congressional Notification) (by a yea-and-nay vote of 211 yeas to 218 nays, Roll No. 437); and

**Pages H7608–11, H7614–15**

Ocasio-Cortez amendment (No. 25) printed in part B of H. Rept. 117–205 that sought to assert the Government Accountability Office’s investigatory powers over the intelligence community (by a yea-and-nay vote of 196 yeas to 233 nays, Roll No. 438). **Pages H7611–13, H7615**

H. Res. 838, the rule providing for consideration of the bills (H.R. 5314), (S. 1605), and (S. 610) was agreed to Tuesday, December 7th. Agreed that in the engrossment of the bill, the clerk be authorized to correct section numbers, punctuation, spelling, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House. **Page H7617**

**Senate Referrals:** S.J. Res. 29 was held at the desk. S. 2293 was held at the desk. S. 2796 was held at the desk. S. 693 was held at the desk. **Page H7617**

**Senate Message:** Message received from the Senate today appears on page H7617.

**Quorum Calls—Votes:** Five yea-and-nay votes developed during the proceedings of today and appear on pages H7613–14, H7614–15, H7615, H7616, and H7616–17.

**Adjournment:** The House met at 12 noon and adjourned at 7:03 p.m.

## Committee Meetings

### HOLDING BIG TECH ACCOUNTABLE: LEGISLATION TO BUILD A SAFER INTERNET

**Committee on Energy and Commerce:** Subcommittee on Consumer Protection and Commerce held a hearing entitled “Holding Big Tech Accountable: Legislation to Build a Safer Internet”. Testimony was heard from public witnesses.

## A REVIEW OF DIVERSITY AND INCLUSION PERFORMANCE IN AMERICA’S LARGE INVESTMENT FIRMS

**Committee on Financial Services:** Subcommittee on Diversity and Inclusion held a hearing entitled “A Review of Diversity and Inclusion Performance in America’s Large Investment Firms”. Testimony was heard from Michael Clements, Director, Financial Markets and Community Investment, Government Accountability Office; and public witnesses.

## WHAT’S NEXT FOR LIBYA? THE PATH TO PEACE

**Committee on Foreign Affairs:** Subcommittee on the Middle East, North Africa, and Global Counterterrorism held a hearing entitled “What’s Next for Libya? The Path to Peace”. Testimony was heard from Megan Doherty, Deputy Assistant Administrator, Bureau for the Middle East, U.S. Agency for International Development; and Karen Sasahara, Deputy Assistant Secretary of State for North Africa, Bureau of Near Eastern Affairs, U.S. Department of State.

## MISCELLANEOUS MEASURES

**Committee on Foreign Affairs:** Full Committee began a markup on H. Con. Res. 59, condemning the October 25, 2021, military coup in Sudan and standing with the people of Sudan; H.R. 6140, the “Sudan Democracy Act”; H.R. 5665, the “Combating International Islamophobia Act”; H.R. 6089, the “Stop Iranian Drones Act”; and H.R. 3988, the “Mental Health in International Development and Humanitarian Settings Act”, H. Res. 376, condemning Turkey for its occupation of Cyprus and encouraging President Biden to make the resolution of the Cyprus problem a top foreign policy priority; and H. Res. 831, calling on the United States Government to uphold the founding democratic principles of the North Atlantic Treaty Organization and establish a Center for Democratic Resilience within the headquarters of the North Atlantic Treaty Organization.

## LEVERAGING IIJA: PLANS FOR EXPANDING INTERCITY PASSENGER RAIL

**Committee on Transportation and Infrastructure:** Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled “Leveraging IIJA: Plans for Expanding Intercity Passenger Rail”. Testimony was heard from Julie White, Deputy Secretary for Multimodal Transportation, North Carolina Department of Transportation; David Kim, Secretary, California State Transportation Agency; and public witnesses.

**CLEANER, CHEAPER ENERGY: CLIMATE INVESTMENTS TO HELP FAMILIES AND BUSINESSES**

*Select Committee on the Climate Crisis:* Full Committee held a hearing entitled “Cleaner, Cheaper Energy: Climate Investments to Help Families and Businesses”. Testimony was heard from public witnesses.

***Joint Meetings***

No joint committee meetings were held.

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**COMMITTEE MEETINGS FOR MONDAY,  
DECEMBER 13, 2021**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

*Committee on Foreign Affairs*, Full Committee, continue markup on H. Con. Res. 59, condemning the October 25, 2021, military coup in Sudan and standing with the people of Sudan; H.R. 6140, the “Sudan Democracy Act”; H.R. 5665, the “Combating International Islamophobia Act”; H.R. 6089, the “Stop Iranian Drones Act”; and H.R. 3988, the “Mental Health in International Development and Humanitarian Settings Act”, H. Res. 376, condemning Turkey for its occupation of Cyprus and encouraging President Biden to make the resolution of the Cyprus problem a top foreign policy priority; and H. Res. 831, calling on the United States Government to uphold the founding democratic principles of the North Atlantic Treaty Organization and establish a Center for Democratic Resilience within the headquarters of the North Atlantic Treaty Organization, 9 a.m., 2172 Rayburn and Webex.

*Next Meeting of the SENATE*  
3 p.m., Monday, December 13

Senate Chamber

**Program for Monday:** Senate will resume consideration of the nomination of Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire.

At 5:30 p.m., Senate will vote on confirmation of the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit.

*Next Meeting of the HOUSE OF REPRESENTATIVES*  
12:30 p.m., Monday, December 13

House Chamber

**Program for Monday:** House will meet in Pro Forma session at 12:30 p.m.

**Extensions of Remarks, as inserted in this issue**

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