

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S6975–S7004*

**Measures Introduced:** Sixteen bills and two resolutions were introduced, as follows: S. 2059–2074, S. Res. 321, and S. Con. Res. 29. **Page S7001**

#### Measures Reported:

S. 807, to provide anti-retaliation protections for antitrust whistleblowers. **Page S7002**

**Engel Nomination—Cloture:** Senate began consideration of the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General, Department of Justice. **Page S6995**

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, November 2, 2017, a vote on cloture will occur at 5:30 p.m. on Monday, November 6, 2017. **Page S6995**

Prior to the consideration of this nomination, Senate took the following action: **Page S6995**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6995**

A unanimous-consent agreement was reached providing that at approximately 3 p.m. on Monday, November 6, 2017, Senate resume consideration of the nomination. **Page S6995**

**Robb Nomination—Cloture:** Senate began consideration of the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board. **Page S6995**

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, a vote on cloture will occur upon disposition of the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General, Department of Justice. **Page S6995**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S6995**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6995**

**Wehrum Nomination—Cloture:** Senate began consideration of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. **Page S6995**

**Page S6995**

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, a vote on cloture will occur upon disposition of the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board. **Page S6995**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S6995**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6996**

**Kan Nomination—Cloture:** Senate began consideration of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy. **Page S6996**

**Page S6996**

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, a vote on cloture will occur upon disposition of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. **Page S6996**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S6996**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6996**

**Nominations—Agreement:** A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, the pending cloture motions ripen at 5:30 p.m. on Monday, November 6, 2017; and that at 11 a.m. on Tuesday, November 7, 2017, Senate proceed to the consideration of the nomination of John H. Gibson II, of Texas, to be Deputy

Chief Management Officer of the Department of Defense, as under the previous order of Thursday, October 26, 2017. **Page S6996**

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

By 56 yeas to 41 nays (Vote No. EX. 259), Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit. **Pages S6976–82, S7004**

By 53 yeas to 43 nays (Vote No. EX. 261), Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

**Pages S6982–89, S7004**

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

By 54 yeas to 43 nays (Vote No. 260), Senate agreed to the motion to close further debate on the nomination. **Page S6982**

Kyle Fortson, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2019.

Gerald W. Fauth, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2020.

Paul Dabbar, of New York, to be Under Secretary for Science, Department of Energy.

Mark Wesley Menezes, of Virginia, to be Under Secretary of Energy.

Peter Henry Barlerin, of Colorado, to be Ambassador to the Republic of Cameroon.

Kathleen M. Fitzpatrick, of the District of Columbia, to be Ambassador to the Democratic Republic of Timor-Leste.

Michael James Dodman, of New York, to be Ambassador to the Islamic Republic of Mauritania.

Michele Jeanne Sison, of Maryland, to be Ambassador to the Republic of Haiti.

Richard Glick, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2022.

Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2018.

Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2023.

Jamie McCourt, of California, to be Ambassador to the French Republic, and to serve concurrently and without additional compensation as Ambassador to the Principality of Monaco.

Richard Duke Buchan III, of Florida, to be Ambassador to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Steven E. Winberg, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

Larry Edward Andre, Jr., of Texas, to be Ambassador to the Republic of Djibouti.

Thomas L. Carter, of South Carolina, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Michael T. Evanoff, of Arkansas, to be an Assistant Secretary of State (Diplomatic Security).

Nina Maria Fite, of Pennsylvania, to be Ambassador to the Republic of Angola.

Daniel L. Foote, of New York, to be Ambassador to the Republic of Zambia.

Kenneth Ian Juster, of New York, to be Ambassador to the Republic of India.

W. Robert Kohorst, of California, to be Ambassador to the Republic of Croatia.

Edward T. McMullen, Jr., of South Carolina, to be Ambassador to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

David Dale Reimer, of Ohio, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles.

Eric P. Whitaker, of Illinois, to be Ambassador to the Republic of Niger.

Carla Sands, of California, to be Ambassador to the Kingdom of Denmark.

Manisha Singh, of Florida, to be an Assistant Secretary of State (Economic and Business Affairs).

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2018. **Pages S6994–95, S7004**

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

Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Jeffrey Kessler, of Virginia, to be an Assistant Secretary of Commerce.

Robin S. Bernstein, of Florida, to be Ambassador to the Dominican Republic.

Christopher Ashley Ford, of Maryland, to be an Assistant Secretary of State (International Security and Non-Proliferation).

John C. Anderson, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Joseph D. Brown, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

John H. Durham, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Brandon J. Fremin, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Ryan K. Patrick, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

McGregor W. Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years. **Page S7004**

**Messages from the House:** **Pages S6999–S7000**

**Measures Referred:** **Page S7000**

**Executive Communications:** **Page S7000**

**Executive Reports of Committees:** **Pages S7000–01**

**Additional Cosponsors:** **Pages S7001–02**

**Statements on Introduced Bills/Resolutions:**  
**Pages S7002–03**

**Additional Statements:** **Page S6999**

**Authorities for Committees to Meet:**  
**Pages S7003–04**

**Record Votes:** Three record votes were taken today. (Total—261) **Pages S6982, S6989**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 4:35 p.m., until 3 p.m. on Monday, November 6, 2017. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7004.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of Mark T. Esper, of Virginia, to be Secretary of the Army, Robert L. Wilkie, of North Carolina, to be Under Secretary for Personnel and Readiness, who was introduced by Senator Tillis, Joseph Kernan, of Florida,

to be Under Secretary for Intelligence, and Guy B. Roberts, of Virginia, to be an Assistant Secretary, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

### ARCTIC NATIONAL WILDLIFE REFUGE

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the potential for oil and gas exploration and development in the non-wilderness portion of the Arctic National Wildlife Refuge, known as the "1002 Area" or Coastal Plain, to raise sufficient revenue pursuant to the Senate reconciliation instructions included in H. Con Res. 71, after receiving testimony from Senator Sullivan; Representative Don Young; Alaska Governor Bill Walker, and Alaska Lieutenant Governor Byron Mallott, both of Juneau; Greg Sheehan, Principal Deputy Director, Fish and Wildlife Service, and Pat Pourchot, former Special Assistant to the Secretary for Alaska Affairs, both of the Department of the Interior; Sam Alexander, Gwich'in Nation, and Aaron Schutt, Doyon, Limited, both of Fairbanks, Alaska; Matthew Rexford, Native Village of Kaktovik, Kaktovik, Alaska; Lois N. Epstein, The Wilderness Society, and Richard K. Glenn, Arctic Slope Regional Corporation, both of Anchorage, Alaska; and Matthew Cronin, Bozeman, Montana.

### BUSINESS MEETING

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

S. 807, to provide anti-retaliation protections for antitrust whistleblowers; and

The nominations of Matthew G. T. Martin, to be United States Attorney for the Middle District of North Carolina, and Christina E. Nolan, to be United States Attorney for the District of Vermont, both of the Department of Justice.

### 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:** 18 public bills, H.R. 1, 4219–4235; and 2 resolutions, H. Res. 603, 604 were introduced. **Pages H8443–44**

**Additional Cosponsors:** **Pages H8444–45**

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

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Mimi Walters (CA) to act as Speaker pro tempore for today. **Page H8389**

**Recess:** The House recessed at 10:32 a.m. and reconvened at 12 noon. **Page H8392**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Pastor Kenneth Codner, Grace Baptist Church, Bellefonte, PA. **Page H8392**

**Providing for a correction in the enrollment of S. 782:** The House agreed to take from the Speaker's table and agree to S. Con. Res. 28, providing for a correction in the enrollment of S. 782. **Page H8393**

**Recess:** The House recessed at 1:56 p.m. and reconvened at 2:55 p.m. **Page H8410**

**Community Health And Medical Professionals Improve Our Nation Act of 2017—Rule for consideration:** The House agreed to H. Res. 601, providing for consideration of the bill (H.R. 3922) to extend funding for certain public health programs, by a ye-and-nay vote of 231 yeas to 192 nays, Roll No. 603, after the previous question was ordered by a ye-and-nay vote of 230 yeas to 191 nays, Roll No. 602. **Pages H8402–10, H8412, H8413**

**Moment of Silence:** The House observed a moment of silence in memory of the victims of the terrorist attack in New York. **Page H8412**

**Recess:** The House recessed at 3:40 p.m. and reconvened at 3:43 p.m. **Page H8413**

**Official Photograph of the House in Session:** The official photograph of the House in session was taken pursuant to the provisions of H. Res. 350. **Page H8413**

**Protecting Seniors Access to Medicare Act:** The House passed H.R. 849, to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board, by a ye-and-nay vote of 307 yeas to 111 nays, Roll No. 604. **Pages H8413–21**

Pursuant to the Rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. **Page H8413**

H. Res. 600, the rule providing for consideration of the bill (H.R. 849) was agreed to by a ye-and-nay vote of 240 yeas to 178 nays, Roll No. 601, after the previous question was ordered by a ye-and-nay vote of 230 yeas to 193 nays, Roll No. 600. **Pages H8395–H8402, H8411–12**

**Protecting Patient Access to Emergency Medications Act of 2017:** The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R. 304, to amend the Controlled Sub-

stances Act with regard to the provision of emergency medical services. **Pages H8421–22**

**Board of Visitors to the United States Naval Academy—Appointment:** The Chair announced the Speaker's appointment of the following Members on the part of the House to the Board of Visitors to the United States Naval Academy: Representative Gallagher, to fill the existing vacancy thereon; Representatives Cummings and Ruppertsberger. **Page H8422**

**Quorum Calls—Votes:** Five ye-and-nay votes developed during the proceedings of today and appear on pages H8411, H8411–12, H8412, H8413, and H8420–21. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:12 p.m.

## *Committee Meetings*

### **THE 2017 HURRICANE SEASON: A REVIEW OF EMERGENCY RESPONSE AND ENERGY INFRASTRUCTURE RECOVERY EFFORTS**

*Committee on Energy and Commerce:* Subcommittee on Energy held a hearing entitled “The 2017 Hurricane Season: A Review of Emergency Response and Energy Infrastructure Recovery Efforts”. Testimony was heard from Ray Alexander, Director of Contingency Operations, U.S. Army Corps of Engineers; Robert Corbin, Deputy Assistant Secretary, Office of Petroleum Reserves, Department of Energy; Patricia Hoffman, Acting Under Secretary for Science and Energy, and Principal Deputy Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy; Julio Rhymer, Executive Director, Virgin Islands Water and Power Authority; Frank Rusco, Director, Natural Resources and Environment, Government Accountability Office; DeAnn Walker, Chairman, Public Utility Commission of Texas; and public witnesses.

### **CONCERNS OVER FEDERAL SELECT AGENT PROGRAM OVERSIGHT OF DANGEROUS PATHOGENS**

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “Concerns Over Federal Select Agent Program Oversight of Dangerous Pathogens”. Testimony was heard from Mary Denigan-Macauley, Acting Director, Health Care, Government Accountability Office; Samuel S. Edwin, Director, Division of Select Agents and Toxins, Centers for Disease Control and Prevention; and Freeda E. Isaac, Director, Agriculture Select Agent Services, Animal and Plant Health Inspection Service.

### SUSTAINABLE HOUSING FINANCE: PRIVATE SECTOR PERSPECTIVES ON HOUSING FINANCE REFORM, PART II

*Committee on Financial Services:* Subcommittee on Housing and Insurance held a hearing entitled “Sustainable Housing Finance: Private Sector Perspectives on Housing Finance Reform, Part II”. Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee held a markup on H.R. 3249, the “Project Safe Neighborhoods Grant Program Authorization Act of 2017”; H.R. 1730, the “Combating Anti-Semitism Act of 2017”; H.R. 3317, the “Stopping Abusive Female Exploitation Act”; and H.R. 4203, the “Combat Online Predators Act”. H.R. 3249, H.R. 1730, and H.R. 4203 were ordered reported, as amended. H.R. 3317 was ordered reported, without amendment.

### LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on Water, Power and Oceans held a hearing on H.R. 221, the “Hydrographic Services Improvement Amendments Act”; H.R. 1176, the “Keep America’s Waterfronts Working Act”; and S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund. Testimony was heard from Representatives Pingree and Young of Alaska; W. Russell Callender, Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration; Paul LePage, Governor, Maine; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Oversight and Government Reform:* Full Committee held a markup on H.R. 4174, the “Foundations for Evidence-Based Policymaking Act of 2017”; H.R. 4182, the “Ensuring a Qualified Civil Service Act of 2017”; H.R. 1132, the “Political Appointee Burrowing Prevention Act”; H.R. 4043, the “Whistleblower Protection Extension Act of 2017”; H.R. 4171, to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes; H.R. 3121, the “All-American Flag Act”; H.R. 4177, the “Preparedness and Risk Management for Extreme Weather Patterns Assuring Resilience and Effectiveness Act of 2017”; H.R. 1850, to designate the facility of the United States Postal Service located at 907 Fourth Avenue in Lake Odessa, Michigan, as the “Donna Sauers Besko Post Office”; H.R. 2672, to designate the facility of the United States Postal Service located at 520 Carter Street in Fairview, Illinois, as the “Sgt. Douglas J. Riney Post

Office”; H.R. 2673, to designate the facility of the United States Postal Service located at 514 Broadway Street in Pekin, Illinois, as the “Lance Corporal Jordan S. Basteau Post Office”; H.R. 3821, to designate the facility of the United States Postal Service located at 430 Main Street in Clermont, Georgia, as the “Zachary Addington Post Office”; and H.R. 3893, to designate the facility of the United States Postal Service located at 100 Mathe Avenue in Interlachen, Florida, as the “Robert H. Jenkins Post Office”. H.R. 1132, H.R. 4043, and H.R. 3121 were ordered reported, as amended. H.R. 4174, H.R. 4182, H.R. 4171, H.R. 4177, H.R. 1850, H.R. 2672, H.R. 2673, H.R. 3821, and H.R. 3893 were ordered reported, without amendment.

### EXAMINING THE REGULATION OF SHARK FINNING IN THE UNITED STATES

*Committee on Oversight and Government Reform:* Subcommittee on the Interior, Energy, and Environment held a hearing entitled “Examining the Regulation of Shark Finning in the United States”. Testimony was heard from Brandi Reeder, Assistant Commander, Fisheries Law Administrator, Law Enforcement Division, Texas Parks and Wildlife Department; and public witnesses.

### PUTTING FOOD ON THE TABLE—A REVIEW OF THE IMPORTANCE OF AGRICULTURE RESEARCH

*Committee on Science, Space, and Technology:* Subcommittee on Research and Technology held a hearing entitled “Putting Food on the Table—A Review of the Importance of Agriculture Research”. Testimony was heard from public witnesses.

### OPERATING OR RULEMAKING? A REVIEW OF SBA’S OPAQUE STANDARD OPERATING PROCEDURES PROCESS

*Committee on Small Business:* Subcommittee on Investigations, Oversight, and Regulations held a hearing entitled “Operating or Rulemaking? A Review of SBA’s Opaque Standard Operating Procedures Process”. Testimony was heard from Joseph Lodo, Chief Operating Officer, Small Business Administration.

### EMERGENCY RESPONSE AND RECOVERY: CENTRAL TAKEAWAYS FROM THE UNPRECEDENTED 2017 HURRICANE SEASON

*Committee on Transportation and Infrastructure:* Full Committee held a hearing entitled “Emergency Response and Recovery: Central Takeaways from the Unprecedented 2017 Hurricane Season”. Testimony was heard from Chairman McCaul, and Representatives Gene Green of Texas, Rutherford, Lawson of Florida, González-Colón of Puerto Rico, and

Plaskett; William Long, Administrator, Federal Emergency Management Agency; Vice Admiral Karl Schultz, Commander, Coast Guard Atlantic Area; Major General Donald E. Jackson, Jr., Deputy Commanding General for Civil and Emergency Operations, U.S. Army Corps of Engineers; and Pete Lopez, Regional Administrator for Region 2, Environmental Protection Agency.

#### MISCELLANEOUS MEASURES

*Committee on Veterans' Affairs:* Full Committee held a markup on H.R. 1133, the "Veterans Transplant Coverage Act of 2017"; H.R. 1900, the "National Veterans Memorial and Museum Act"; H.R. 2123, the "VETS Act of 2017"; H.R. 2601, the "VICTOR Act of 2017"; H.R. 3634, the "SERVE Act of 2017"; H.R. 3705, the "Veterans Fair Debt Notice Act of 2017"; H.R. 3949, the "VALOR Act"; and H.R. 4173, to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line. H.R. 1133, H.R. 1900, H.R. 2601, H.R. 3705, and H.R. 4173 were ordered reported, as amended. H.R. 2123, H.R. 3634, and H.R. 3949 were ordered reported, without amendment.

#### APPEARANCE OF CARTER W. PAGE

**Permanent Select Committee on Intelligence:** Full Committee held a hearing entitled "Appearance of Carter W. Page". Testimony was heard from a public witness. This was an open hearing in a closed space.

### *Joint Meetings*

No joint committee meetings were held.

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#### COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 3, 2017

*(Committee meetings are open unless otherwise indicated)*

##### Senate

No meetings/hearings scheduled.

##### House

*Committee on Financial Services,* Subcommittee on Capital Markets, Securities, and Investment, hearing entitled "Legislative Proposals to Improve Small Businesses' and Communities' Access to Capital", 9:15 a.m., 2128 Rayburn.

*Next Meeting of the SENATE*

3 p.m., Monday, November 6

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, November 3

## Senate Chamber

**Program for Monday:** Senate will resume consideration of the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General, Department of Justice, and vote on the motion to invoke cloture on the nomination at 5:30 p.m.

## House Chamber

**Program for Friday:** Consideration of H.R. 3922—Community Health And Medical Professionals Improve Our Nation Act of 2017.

## Extensions of Remarks, as inserted in this issue

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