

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7071–S7123

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 2094–2106, and S. Res. 324–325. **Pages S7109–10**

Measures Reported:

S. 873, to amend section 8433 of title 5, United States Code, to provide for flexibility in making withdrawals from the Thrift Savings Fund, with an amendment. (S. Rept. No. 115–183)

H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States. (S. Rept. No. 115–184) **Page S7109**

Measures Passed:

National Diabetes Heart Health Awareness Day: Senate agreed to S. Res. 324, designating November 9, 2017, as “National Diabetes Heart Health Awareness Day”, coinciding with American Diabetes Month. **Pages S7120–21**

National Obesity Care Week: Senate agreed to S. Res. 325, expressing support for designation of the week of October 29 through November 4, 2017, as “National Obesity Care Week”. **Page S7121**

FITARA Enhancement Act: Senate passed H.R. 3243, to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative. **Page S7121**

Federal Agency Mail Management Act: Senate passed H.R. 194, to ensure the effective processing of mail by Federal agencies. **Page S7121**

Wehrum Nomination—Agreement: Senate resumed consideration of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. **Pages S7098–S7106**

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

By 49 yeas to 46 nays (Vote No. 267), Senate agreed to the motion to close further debate on the nomination. **Pages S7097–98**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 9:30 a.m., on Thursday, November 9, 2017. **Page S7121**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that notwithstanding Rule XXII, at 11 a.m., on Thursday, November 9, 2017, there be 30 minutes of post-cloture time remaining on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, equally divided between the two Leaders or their designees, and that following the use or yielding back of that time, Senate vote on confirmation of the nomination; and that following disposition of the Wehrum nomination, Senate stand in recess until 1:45 p.m.; and that at 1:45 p.m., Senate vote on the motion to invoke cloture on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, with no intervening action or debate. **Page S7121**

Nominations Confirmed: Senate confirmed the following nominations:

By 49 yeas to 46 nays (Vote No. EX. 266), Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years. **Pages S7072–97, S7123**

Melissa Sue Glynn, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Enterprise Integration).

Cheryl L. Mason, of Virginia, to be Chairman of the Board of Veterans’ Appeals for a term of six years.

Randy Reeves, of Mississippi, to be Under Secretary of Veterans Affairs for Memorial Affairs. **Pages S7106, S7123**

Messages from the House: **Pages S7107–08**

Measures Referred: **Page S7108**

Executive Communications: **Page S7108**

Petitions and Memorials: **Pages S7108–09**

Executive Reports of Committees:	Page S7109
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Statements on Introduced Bills/Resolutions:	Pages S7111–20
Additional Statements:	Page S7107
Authorities for Committees to Meet:	Page S7120
Privileges of the Floor:	Page S7120
Record Votes: Two record votes were taken today. (Total—267)	Pages S7097, S7098

Adjournment: Senate convened at 10 a.m. and adjourned at 7:03 p.m., until 9:30 a.m. on Thursday, November 9, 2017. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S7121.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1693, to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking, with an amendment in the nature of a substitute;

S. 1668, to rename a waterway in the State of New York as the “Joseph Sanford Jr. Channel”; and

The nominations of Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission, James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration, Neil Jacobs, of North Carolina, and Nazakhtar Nikakhtar, of Maryland, both to be an Assistant Secretary of Commerce, Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board, Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration, and Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary, both of the Department of Transportation, and Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors.

DATA BREACHES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine protecting consumers in the era of major data breaches, after receiving testimony from Paulino do Rego Barros, Jr., Atlanta, Georgia, and Richard F. Smith, Los Angeles, California, both of Equifax; Marissa

Mayer, Yahoo, San Francisco, California; Karen Zacharia, Verizon, New York, New York; and Todd Wilkinson, Entrust Datacard, Shakopee, Minnesota.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Kathleen Hartnett White, of Texas, to be a Member of the Council on Environmental Quality, and Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency, who was introduced by Representative Stivers, after the nominees testified and answered questions in their own behalf.

AFRICA

Committee on Foreign Relations: Subcommittee on Africa and Global Health Policy received a closed briefing on a readout of Ambassador Haley’s recent trip to Africa from Nikki R. Haley, Permanent Representative to the United Nations, Department of State.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, after the nominee, who was introduced by Senators Portman and Rubio, testified and answered questions in their own behalf.

INDIAN AFFAIRS LEGISLATION

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1400, to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and S. 465, to provide for an independent outside audit of the Indian Health Service, after receiving testimony from John Tahsuda III, Acting Assistant Secretary—Indian Affairs, Department of the Interior; Elizabeth A. Fowler, Deputy Director for Management Operations, Indian Health Service, Department of Health and Human Services; David Flute, Sisseton-Wahpeton Sioux Tribe, Agency Village, South Dakota; and Kurt Riley, Pueblo of Acoma, Acoma, New Mexico.

LAWSUIT ABUSE ON AMERICAN SMALL BUSINESSES

Committee on the Judiciary: Committee concluded a hearing to examine the impact of lawsuit abuse on American small businesses and job creators, including S. 237, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, after receiving testimony from Elizabeth Milito, National Federation of Independent Business Small Business Legal Center, and John H. Beisner,

Skadden, Arps, Slate, Meagher and Flom LLP, on behalf of the U.S. Chamber Institute for Legal Reform, both of Washington, D.C.; and Myriam Gilles, Ye-

shiva University Benjamin N. Cardozo School of Law, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 4294–4317; and 1 resolution, H. Con. Res. 91, were introduced. **Pages H8660–61**

Additional Cosponsors: **Pages H8662–63**

Reports Filed: Reports were filed today as follows:

H.R. 3071, to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes (H. Rept. 115–402); and

H.R. 3244, to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes, with an amendment (H. Rept. 115–403). **Page H8660**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bacon to act as Speaker pro tempore for today. **Page H8599**

Recess: The House recessed at 10:57 a.m. and reconvened at 12 noon. **Page H8605**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Pastor Jeff Williams, Faith Community Church, Janesville, WI. **Page H8605**

Micro Offering Safe Harbor Act—Rule for Consideration: The House agreed to H. Res. 609, providing for consideration of the bill (H.R. 2201) to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, by a yea-and-nay vote of 233 yeas to 190 nays, Roll No. 617, after the previous question was ordered by a yea-and-nay vote of 224 yeas to 190 nays, Roll No. 616. **Pages H8609–14**

Recess: The House recessed at 3:20 p.m. and reconvened at 4:30 p.m. **Page H8641**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, November 9. **Page H8641**

Hydropower Policy Modernization Act of 2017: The House passed H.R. 3043, to modernize hydropower policy, by a recorded vote of 257 yeas to 166 noes, Roll No. 620. **Pages H8614–42**

Pursuant to the Rule, it shall be in order to consider as an original bill for the purpose of amend-

ment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H8630**

Agreed to:

Grothman amendment (No. 1 printed in H. Rept. 115–391) that requires the U.S. Department of Interior consider the threat of invasive species when it makes decisions on hydropower licensing; **Pages H8633–34**

Babin amendment (No. 2 printed in H. Rept. 115–391) that allows FERC to examine the licenses of any project located in an area that was declared by the President to be a disaster area in 2017; and **Page H8634**

Jenkins (WV) amendment (No. 3 printed in H. Rept. 115–391) that ensures that when hydro projects have an existing Memorandum of Understanding for non-federal hydropower with FERC that all relevant federal agencies are authorized to fully study and review the potential expansion of non-federal hydropower, including a review of seasonal pool levels and slowing flood releases. **Pages H8634–35**

Rejected:

Rush amendment in the nature of a substitute (No. 4 printed in H. Rept. 115–391) that sought to add a new section to the Federal Power Act (FPA) to improve the hydropower licensing process; direct the Commission and the Federal resource agencies to convene a negotiated rulemaking within 90 days of enactment with state and local government representatives, Indian tribes, and stakeholders to develop a process that will coordinate all necessary Federal authorizations and enable the Commission to make a final decision on a license not later than 3 years of receiving a completed license application (by a recorded vote of 185 yeas to 234 noes, Roll No. 619). **Pages H8635–41, H8641–42**

H. Res. 607, the rule providing for consideration of the bills (H.R. 3043) and (H.R. 3441) was agreed to yesterday, November 7th.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Tuesday, November 7th.

Veterans Crisis Line Study Act of 2017: H.R. 4173, amended, to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line, by a $\frac{2}{3}$ yeas-and-nays vote of 420 yeas with none voting “nay”, Roll No. 618; and **Page H8614**

Veterans Fair Debt Notice Act of 2017: H.R. 3705, amended, to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities, by a $\frac{2}{3}$ yeas-and-nays vote of 422 yeas with none voting “nay”, Roll No. 621. **Page H8643**

Senate Referrals: S. 1088 was referred to the Committee on Oversight and Government Reform. S. 1015 was referred to the Committee on Energy and Commerce and the Committee on Veterans’ Affairs. **Page H8660**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8609.

Quorum Calls—Votes: Four yeas-and-nays votes and two recorded votes developed during the proceedings of today and appear on pages H8612–13, H8613–14, H8614, H8641–42, H8642, and H8643. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:57 p.m.

Committee Meetings

CLOSE TO HOME: HOW OPIOIDS ARE IMPACTING COMMUNITIES

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education; and Subcommittee on Higher Education and Workforce Development held a joint hearing entitled “Close to Home: How Opioids are Impacting Communities”. Testimony was heard from Leana Wen, Commissioner, Baltimore City Health Department; David Cox, Superintendent, Allegany County, Maryland; and public witnesses.

MACRA AND ALTERNATIVE PAYMENT MODELS: DEVELOPING OPTIONS FOR VALUE-BASED CARE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “MACRA and Alternative Payment Models: Developing Options for Value-based Care”. Testimony was heard from Jeffrey Bailet, Chairperson, Physician-Focused Payment Model Technical Advisory Committee, Department of Health and Human Services; and public witnesses.

ADMINISTRATION PRIORITIES FOR THE INTERNATIONAL FINANCIAL INSTITUTIONS

Committee on Financial Services: Subcommittee on Monetary Policy and Trade held a hearing entitled “Administration Priorities for the International Financial Institutions”. Testimony was heard from David Malpass, Under Secretary for International Affairs, Department of the Treasury.

FINANCIAL INTELLIGENCE AND ENFORCEMENT: TREASURY’S ROLE IN SAFEGUARDING THE AMERICAN FINANCIAL SYSTEM

Committee on Financial Services: Subcommittee on Terrorism and Illicit Finance held a hearing entitled “Financial Intelligence and Enforcement: Treasury’s Role in Safeguarding the American Financial System”. Testimony was heard from Sigal Mandelker, Under Secretary for Terrorism and Financial Intelligence, Department of the Treasury.

THE PRESIDENT’S PLAN FOR AFGHANISTAN AND PAKISTAN: OBJECTIVES AND RESOURCES

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa; and Subcommittee on Asia and the Pacific held a joint hearing entitled “The President’s Plan for Afghanistan and Pakistan: Objectives and Resources”. Testimony was heard from Alice G. Wells, Acting Assistant Secretary, Acting Special Representative for Afghanistan and Pakistan, Bureau of South and Central Asian Affairs, Department of State; and Gregory Huger, Assistant to the Administrator, Office of Afghanistan and Pakistan Affairs, U.S. Agency for International Development.

EXAMINING THE EFFECTIVENESS OF THE KINGPIN DESIGNATION ACT IN THE WESTERN HEMISPHERE

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled “Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere”. Testimony was heard from public witnesses.

PREVENTING THE NEXT ATTACK: TSA’S ROLE IN KEEPING OUR TRANSPORTATION SYSTEMS SECURE

Committee on Homeland Security: Full Committee held a hearing entitled “Preventing the Next Attack: TSA’s Role in Keeping Our Transportation Systems Secure”. Testimony was heard from David P. Pekoske, Administrator, Transportation Security Administration, Department of Homeland Security.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 3989, the “USA Liberty Act of 2017”. H.R. 3989 was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee concluded a markup on H.R. 995, the “21st Century Respect Act”; H.R. 1532, the “Poarch Band of Creek Indians Land Reaffirmation Act”; H.R. 180, to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs; H.R. 2504, to ensure fair treatment in licensing requirements for the export of certain echinoderms; H.R. 2907, the “Planning for American Energy Act of 2017”; H.R. 3469, to designate the bridge located in Blount County, Tennessee, on the Foothills Parkway (commonly known as “Bridge 2”) as the “Dean Stone Bridge”; H.R. 3905, the “Minnesota’s Economic Rights in the Superior National Forest Act”; H.R. 4239, the “SECURE American Energy 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. H.R. 995, H.R. 1800, and H.R. 4239 were ordered reported, as amended. H.R. 1532, H.R. 2504, H.R. 2907, H.R. 3469, H.R. 3905, and S. 140 were ordered reported, without amendment.

MOVING THE AMERICAN EMBASSY IN ISRAEL TO JERUSALEM: CHALLENGES AND OPPORTUNITIES

Committee on Oversight and Government Reform: Subcommittee on National Security held a hearing entitled “Moving the American Embassy in Israel to Jerusalem: Challenges and Opportunities”. Testimony was heard from public witnesses.

GEOENGINEERING: INNOVATION, RESEARCH, AND TECHNOLOGY

Committee on Science, Space, and Technology: Subcommittee on Environment; and Subcommittee on Energy held a joint hearing entitled “Geoengineering: Innovation, Research, and Technology”. Testimony was heard from Phil Rasch, Chief Scientist for Climate Science, Laboratory Fellow, Pacific Northwest National Laboratory; and public witnesses.

HIRING MORE HEROES: A REVIEW OF SBA’S OFFICE OF VETERANS BUSINESS DEVELOPMENT

Committee on Small Business: Full Committee held a hearing entitled “Hiring More Heroes: A Review of SBA’s Office of Veterans Business Development”.

Testimony was heard from Barbara Carson, Associate Administrator, Office of Veterans Business Development, Small Business Administration.

MISCELLANEOUS MEASURES

Committee on Veterans’ Affairs: Full Committee held a markup on H.R. 4243, the “VA Asset and Infrastructure Review Act of 2017”. H.R. 4243 was ordered reported, as amended.

A REVIEW OF THE INTERAGENCY TRANSITION ASSISTANCE PROGRAM AND THE NEED FOR ENHANCED OUTCOME MEASUREMENTS

Committee on Veterans’ Affairs: Subcommittee on Economic Opportunity held a hearing entitled “A Review of the Interagency Transition Assistance Program and the Need for Enhanced Outcome Measurements”. Testimony was heard from Cindy Brown Barnes, Director, Education, Workforce and Income Security, Government Accountability Office; Margarita Devlin, Executive Director, Benefits Assistance Service, Veterans Benefits Administration, Department of Veterans Affairs; Ivan E. Denton, Director, Office of National Programs, Veterans’ Employment and Training Service, Department of Labor; Judd H. Lyons, Director, Defense Personnel and Family Support Center, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense; Brigadier General Robert Bennett, Adjutant General, U.S. Army; Rear Admiral Karl O. Thomas, Director, 21st Century Sailor Office, Office of the Chief of Naval Operations, U.S. Navy; Brigadier General Kathleen A. Cook, Director, Air Force Services, Manpower, Personnel and Services; and Brigadier General Kurt W. Stein, Director, Marine and Family Programs, U.S. Marine Corps.

MISCELLANEOUS MEASURE

Committee on Ways and Means: Full Committee continued a markup on H.R. 1, the “Tax Cuts and Jobs Act”.

Joint Meetings**NATIONAL DEFENSE AUTHORIZATION ACT**

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2810, to authorize appropriations for fiscal year 2018 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.

COMMITTEE MEETINGS FOR THURSDAY,
NOVEMBER 9, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider S. 2099, to provide for the management by the Secretary of Agriculture of certain Federal land; to be immediately followed by a hearing to examine the nominations of Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture, 9:30 a.m., SR-328A.

Committee on Armed Services: to hold hearings to examine the nominations of Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense, 10 a.m., SD-G50.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia, 10:30 a.m., SD-342.

Committee on the Judiciary: business meeting to consider S. 2070, to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote

initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism, and the nominations of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L. Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice, 10 a.m., SD-226.

House

Committee on Armed Services, Subcommittee on Readiness, hearing entitled "Aviation Readiness: What's the Flight Plan?", 10:30 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Digital Commerce and Consumer Protection, hearing entitled "Perspectives on Mixed Martial Arts", 10 a.m., 2123 Rayburn.

Subcommittee on Environment, hearing on legislation on the Farm Regulatory Certainty Act, 10:15 a.m., 2322 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled "Resolving the Political Crisis in the Democratic Republic of the Congo", 9 a.m., 2172 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Space, hearing entitled "An Update on NASA Exploration Systems Development", 9:30 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, November 9

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, November 9

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, and vote on confirmation of the nomination at approximately 11:30 a.m.

Following disposition of the nomination of William L. Wehrum, Senate will stand in recess until 1:45 p.m.

At 1:45 p.m., Senate will vote on the motion to invoke cloture on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

House Chamber

Program for Thursday: Consideration of H.R. 2201—Micro Offering Safe Harbor Act.

Extensions of Remarks, as inserted in this issue

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