

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S6925–S6947*

**Measures Introduced:** Eleven bills and three resolutions were introduced, as follows: S. 2940–2950, S.J. Res. 27, and S. Res. 408–409. **Pages S6942–43**

#### Measures Reported:

Report to accompany S. 1931, to amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs. (S. Rept. No. 117–41) **Page S6942**

#### Measures Passed:

*Amending the Fentanyl Sanctions Act:* Senate passed H.R. 4981, to amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking. **Page S6947**

*National Character Counts Week:* Senate agreed to S. Res. 409, designating the week beginning October 17, 2021, as “National Character Counts Week”. **Page S6947**

#### House Messages:

**Promoting Physical Activity for Americans Act–Agreement:** A unanimous-consent agreement was reached that notwithstanding Rule XXII, the vote on the motion to invoke cloture on Schumer motion to concur in the amendment of the House to S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans, occur on Thursday, October 7, 2021, at a time to be determined by the Majority Leader, following consultation with the Republican Leader. **Page S6939**

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

By 54 yeas to 46 nays (Vote No. EX. 409), Sarah A.L. Merriam, of Connecticut, to be United States District Judge for the District of Connecticut.

**Pages S6925–27, S6931–38**

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

By 53 yeas to 47 nays (Vote No. EX. 408), Senate agreed to the motion to close further debate on the nomination. **Page S6931**

Gwen Graham, of Florida, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Roberto Josue Rodriguez, of the District of Columbia, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

Elizabeth Merrill Brown, of Maryland, to be General Counsel, Department of Education. **Page S6928**

**Measures Placed on the Calendar: Page S6941**

**Executive Communications: Pages S6941–42**

**Executive Reports of Committees: Page S6942**

**Additional Cosponsors: Pages S6943–44**

**Statements on Introduced Bills/Resolutions: Pages S6944–45**

**Additional Statements: Pages S6940–41**

**Amendments Submitted: Pages S6945–46**

**Authorities for Committees to Meet: Pages S6946–47**

**Privileges of the Floor: Page S6947**

**Record Votes:** Two record votes were taken today. (Total—409) **Pages S6931, S6938**

**Adjournment:** Senate convened at 10 a.m. on Wednesday, October 6, 2021 and adjourned at 12:10 a.m. on Thursday, October 7, 2021, until 10 a.m. on the same day. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S6947.)

### Committee Meetings

*(Committees not listed did not meet)*

#### ENHANCING DATA SECURITY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine enhancing data security, after receiving testimony from Jessica L. Rich, former Director, Bureau of Consumer Protection, and Edward W. Felten, former Chief

Technologist, both of the Federal Trade Commission; James E. Lee, Identity Theft Resource Center, Richmond, Virginia; and Kate Tummarello, Engine, Washington, D.C.

### NATIONAL PARKS LEGISLATION

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded a hearing to examine S. 336, to amend the Omnibus Parks and Public Lands Management Act of 1996 to reauthorize the Ohio & Erie National Heritage Canalway, S. 378, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, the Schuylkill River Valley National Heritage Area, and the Oil Region National Heritage Area, S. 511, to establish the Bronzeville-Black Metropolis National Heritage Area in the State of Illinois, S. 635, to reauthorize The Last Green Valley National Heritage Corridor and the Upper Housatonic Valley National Heritage Area, S. 654, to reauthorize the Blue Ridge National Heritage Area, S. 787, to amend the Atchafalaya National Heritage Area Act to extend the authority of the Secretary of the Interior to provide assistance to the local coordinating entity for the Atchafalaya National Heritage Area under that Act, S. 825, to establish the Southern Maryland National Heritage Area, S. 972, to reauthorize the Essex National Heritage Area, S. 990, to reauthorize the Northern Rio Grande National Heritage Area, S. 1004, to extend the authorization of the Mormon Pioneer National Heritage Area, to designate the Great Basin National Heritage Route in the State of Nevada as the “Great Basin National Heritage Area”, to designate the Great Basin Heritage Route Partnership as the “Great Basin Heritage Area Partnership”, to extend the authorization of the Great Basin National Heritage Area, S. 1112, to amend the National Trails System Act to designate the Chisholm National Historic Trail and the Western National Historic Trail, S. 1224, to reauthorize, and increase the total funding cap for, the America’s Agricultural Heritage Partnership, to redesignate the America’s Agricultural Heritage Partnership as the “Silos & Smokestacks National Heritage Area”, S. 1258, to extend the authorization of each of the National Coal Heritage Area and the Wheeling National Heritage Area in the State of West Virginia, S. 1284 and H.R. 2497, bills to establish the Amache National Historic Site in the State of Colorado as a Unit of the National Park System, S. 1318, to reauthorize the Yuma Crossing National Heritage Area, S. 1329, to amend the National Aviation Heritage Area Act to reauthorize the National Aviation Heritage Area, S. 1620, to direct the Secretary of the Interior to con-

vey to the city of Eunice, Louisiana, certain Federal land in the State of Louisiana, S. 1643, to establish the Alabama Black Belt National Heritage Area, S. 1942, to standardize the designation of National Heritage Areas, S. 1954, to reauthorize the John H. Chafee Blackstone River Valley National Heritage Corridor, S. 2158, to extend the authorization for the Cape Cod National Seashore Advisory Commission, S. 2296, establish the Northern Neck National Heritage Area, S. 2438, to modify the boundary of the Cane River Creole National Historical Park in the State of Louisiana, S. 2441, to establish in the States of North Carolina and South Carolina the Southern Campaign of the Revolution National Heritage Corridor, S. 2482, to amend the Champlain Valley National Heritage Partnership Act of 2006 to reauthorize the Champlain Valley National Heritage Partnership, S. 2490, to establish the Blackwell School National Historic Site in Marfa, Texas, S. 2580, to direct the Secretary of the Interior and the Secretary of Agriculture to make free National Parks and Federal Recreational Lands Passes available to members of the Armed Forces, S. 2648, to amend the Omnibus Public Land Management Act of 2009 to reauthorize the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and S. 2763, to extend the authorization for the MotorCities National Heritage Area in the State of Michigan, after receiving testimony from Joy Beasley, Associate Director of Cultural Resources, Partnerships and Science, National Park Service, Department of the Interior; and Sara Capen, Niagara Falls National Heritage Area, Niagara University, New York, on behalf of the Alliance of National Heritage Areas.

### DROUGHT IN WESTERN U.S.

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded a hearing to examine the status and management of drought in the western United States, after receiving testimony from Tanya Trujillo, Assistant Secretary for Water and Science, Department of the Interior; Thomas Buschatzke, Arizona Department of Water Resources, and Jennifer Pitt, National Audubon Society Colorado River Program, both of Phoenix, Arizona; and Julie Ellingson, North Dakota Stockmen’s Association, Bismark.

### USACE RESPONSE TO HURRICANE IDA

*Committee on Environment and Public Works:* Committee concluded an oversight hearing to examine the Army Corps of Engineers emergency response to Hurricane Ida, after receiving testimony from Major General William H. Graham, Deputy Commanding General, Civil and Emergency Operations, Brigadier

General Thomas J. Tickner, Commander, North Atlantic Division, and Colonel Stephen Murphy, Commander, New Orleans District, all of the Army Corps of Engineers, Department of Defense.

#### BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the following business items:

S. 2875, to amend the Homeland Security Act of 2002 to establish the Cyber Incident Review Office in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, with an amendment in the nature of a substitute;

S. 2902, to modernize Federal information security management, with an amendment in the nature of a substitute; and

The nominations of Cathy Ann Harris, of Maryland, to be a Member, and to be Chairman, and Tristan Lynn Leavitt, of Idaho, and Raymond A. Limon, of Nevada, both to be a Member, all of the Merit Systems Protection Board, Tovah R. Calderon, to be an Associate Judge of the District of Columbia Court of Appeals, and Kenia Seoane Lopez, Rupa Ranga Puttagunta, and Sean C. Staples, each to be an Associate Judge of the Superior Court of the District of Columbia.

#### WATER RIGHTS LEGISLATION

*Committee on Indian Affairs:* Committee concluded a hearing to examine S. 648, to amend the Omnibus Public Land Management Act of 2009 to make a technical correction to the water rights settlement for Shoshone-Paiute Tribes of the Duck Valley Reservation, and S. 1911, to provide for the settlement of the water rights claims of the Fort Belknap Indian Community, after receiving testimony from Bryan Newland, Assistant Secretary of the Interior for Indian Affairs; Brian Thomas, Shoshone-Paiute of the Duck Valley Reservation, Owyhee, Nevada; and Andrew Werk, Jr., Fort Belknap Indian Community, Harlem, Montana.

#### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Lucy Haeran

Koh, of California, to be United States Circuit Judge for the Ninth Circuit, who was introduced by Senators Feinstein and Padilla, Jane M. Beckering, to be United States District Judge for the Western District of Michigan, and Shalina D. Kumar, to be United States District Judge for the Eastern District of Michigan, who were both introduced by Senators Stabenow and Peters, and Armando O. Bonilla, of Virginia, and Carolyn N. Lerner, of Maryland, both to be a Judge of the United States Court of Federal Claims, and Jonathan Kanter, of Maryland, to be an Assistant Attorney General, Department of Justice, who were all introduced by Senator Durbin, after the nominees testified and answered questions in their own behalf.

#### THE JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT

*Committee on the Judiciary:* Committee concluded a hearing to examine the John R. Lewis Voting Rights Advancement Act, after receiving testimony from Kristen Clarke, Assistant Attorney General, Department of Justice; Todd Rokita, Attorney General of Indiana, Indianapolis; Jon Greenbaum, Lawyers' Committee for Civil Rights Under Law, Washington, D.C.; Wendy Weiser, Brennan Center for Justice, New York, New York; and Ken Cuccinelli, Election Transparency Initiative, Nokesville, Virginia.

#### NOMINATIONS

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine the nominations of Guy T. Kiyokawa, of Hawaii, to be an Assistant Secretary of Veterans Affairs (Enterprise Integration), who was introduced by Senator Hirono, and James D. Rodriguez, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training, after the nominees testified and answered questions in their own behalf.

#### INTELLIGENCE

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

# House of Representatives

## *Chamber Action*

The House was not in session today. The House is scheduled to meet in Pro Forma session at 10 a.m. on Friday, October 8, 2021.

## *Committee Meetings*

### **HOMECOMING: THE HISTORICAL ROOTS AND CONTINUED CONTRIBUTIONS OF HBCUS**

*Committee on Education and Labor:* Subcommittee on Higher Education and Workforce Investment held a hearing entitled “Homecoming: The Historical Roots and Continued Contributions of HBCUs”. Testimony was heard from public witnesses.

### **STRENGTHENING OUR COMMUNICATIONS NETWORKS TO MEET THE NEEDS OF CONSUMERS**

*Committee on Energy and Commerce:* Subcommittee on Communications and Technology held a hearing entitled “Strengthening Our Communications Networks to Meet the Needs of Consumers”. Testimony was heard from public witnesses.

### **DEVELOPMENT ASSISTANCE DURING CONFLICT: LESSONS FROM AFGHANISTAN**

*Committee on Foreign Affairs:* Subcommittee on International Development, International Organizations and Global Corporate Social Impact held a hearing entitled “Development Assistance During Conflict: Lessons from Afghanistan”. Testimony was heard from John F. Sopko, Inspector General, Special Inspector General for Afghanistan Reconstruction.

### **PREPA POST IMPLEMENTATION OF THE LUMA TRANSMISSION AND DISTRIBUTION CONTRACT**

*Committee on Natural Resources:* Office of Insular Affairs Full Committee held a hearing entitled “PREPA Post Implementation of the LUMA Transmission and Distribution Contract”. Testimony was heard from Fernando Gil, President, Puerto Rico Electric Power Authority Governing Board; Edison Avilés-Deliz, Chairman, Puerto Rico Energy Bureau; Fermín Fontanés, Executive Director, Puerto Rico Public-Private Partnership Authority; Manuel Laboy, Executive Director, Central Office of Recovery, Reconstruction, and Resiliency; and public witnesses.

### **SBA’S ENTREPRENEURIAL DEVELOPMENT PROGRAMS**

*Committee on Small Business:* Full Committee held a hearing entitled “SBA’s Entrepreneurial Development Programs”. Testimony was heard from Mark Madrid, Associate Administrator, Office of Entrepreneurial Development, U.S. Small Business Administration.

### **EMERGING CONTAMINANTS, FOREVER CHEMICALS, AND MORE: CHALLENGES TO WATER QUALITY, PUBLIC HEALTH, AND COMMUNITIES**

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing entitled “Emerging Contaminants, Forever Chemicals, and More: Challenges to Water Quality, Public Health, and Communities”. Testimony was heard from Chris Kennedy, Town Manager, Pittsboro, North Carolina; and public witnesses.

## *Joint Meetings*

### **BUILDING BACK BETTER**

*Joint Economic Committee:* Committee concluded a hearing to examine building back better, focusing on raising revenue to invest in shared prosperity, after receiving testimony from Kimberly A. Clausing, Deputy Assistant Secretary, Tax Analysis, Department of the Treasury; Chye-Ching Huang, New York University Law Tax Law Center, New York, New York; and Wendy Edelberg, Brookings Institution, and William H. A. McBride, Tax Foundation, both of Washington, D.C.

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## **COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 7, 2021**

*(Committee meetings are open unless otherwise indicated)*

### **Senate**

*Committee on Armed Services:* to hold hearings to examine the nominations of David A. Honey, of Virginia, to be Deputy Under Secretary, and Brenda Sue Fulton, of New Jersey, to be an Assistant Secretary, both of the Department of Defense, and Corey Hinderstein, of Virginia, to be Deputy Administrator for Defense Nuclear Non-proliferation, National Nuclear Security Administration, Department of Energy, 9:30 a.m., SD-G50.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine the nominations of Matthew S. Axelrod, of Maryland, to be an Assistant Secretary of Commerce, and Alanna McCargo, of Virginia, to be

President, Government National Mortgage Association, and James Arthur Jemison II, of Michigan, and Mark Colon, of New York, both to be an Assistant Secretary, all of the Department of Housing and Urban Development, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Communications, Media, and Broadband, to hold hearings to examine the state of telehealth, focusing on removing barriers to access and improving patient outcomes, 10 a.m., SR-253.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine the nominations of Lisa M. Gomez, of New Jersey, and Jose Javier Rodriguez, of Florida, both to be an Assistant Secretary of Labor, 10 a.m., SH-216.

*Committee on the Judiciary:* business meeting to consider the nominations of Beth Robinson, of Vermont, to be United States Circuit Judge for the Second Circuit, Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit, Rahul Gupta, of West Virginia, to be Director of National Drug Control Policy, and Elizabeth Prelogar, of Idaho, to be Solicitor General of the United States, Department of Justice, S. 2428, to amend

title 31, United States Code, to modify False Claims Act procedures, and S. 2429, to amend chapter 38 of title 31, United States Code, relating to civil remedies, 9 a.m., SD-226.

### House

*Committee on Agriculture,* Full Committee, hearing entitled “A Hearing to Review the State of the Livestock Industry”, 12 p.m., 1300 Longworth and Zoom.

*Committee on Homeland Security,* Subcommittee on Emergency Preparedness, Response, and Recovery, hearing entitled “20 Years After 9/11: Examining Emergency Communications”, 12 p.m., Webex.

*Committee on Oversight and Reform,* Full Committee, hearing entitled “Assessing the Election ‘Audit’ in Arizona and Threats to American Democracy”, 10 a.m., 2154 Rayburn and Zoom.

*Committee on Veterans’ Affairs,* Subcommittee on Technology Modernization, hearing entitled “Legislative Hearing on the VA Electronic Health Record Transparency Act of 2021 and IT Reform and Data Collection Bills”, 10 a.m., Zoom.

*Next Meeting of the SENATE*

10 a.m., Thursday, October 7

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, October 8

## Senate Chamber

**Program for Thursday:** Senate will proceed to Executive Session. Discussions will continue in relation to the debt limit legislation and nominations.

## House Chamber

**Program for Friday:** House will meet in Pro Forma session at 10 a.m.



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