

Daily Digest

HIGHLIGHTS

See *Résumé of Congressional Activity*.

Senator-designate Laphonza Butler, of California, was administered the oath of office by the Vice President.

Senate

Chamber Action

Routine Proceedings, pages S4901–S4920

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 3004–3008, and S. Res. 394. **Page S4916**

Measures Reported:

S. 311, to correct the inequitable denial of enhanced retirement and annuity benefits to certain U.S. Customs and Border Protection Officers, with an amendment in the nature of a substitute. (S. Rept. No. 118–101)

S. 1137, to establish the Law Enforcement Mental Health and Wellness Program, with an amendment in the nature of a substitute. (S. Rept. No. 118–102)

S. 1443, to require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States. (S. Rept. No. 118–103)

S. 1464, to restrict the flow of illicit drugs into the United States, with an amendment in the nature of a substitute. (S. Rept. No. 118–104)

S. 1822, to require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry, with an amendment in the nature of a substitute. (S. Rept. No. 118–105)

Page S4916

Measures Passed:

Paul Whelan: Senate agreed to S. Res. 156, calling on the Government of the Russian Federation to release United States citizen Paul Whelan, after agreeing to the committee amendment in the nature of a substitute and the amendment to the preamble.

Page S4919

Honoring the Life of James L. Buckley: Senate agreed to S. Res. 394, honoring the life of James L. Buckley, former Senator for the State of New York.

Pages S4919–20

Swearing In of Senator Butler: The Chair laid before the Senate the certificate of appointment of Senator-designate Laphonza Butler, of the State of California, and the oath of office was then administered as required by the U.S. Constitution and prescribed by law. **Page S4901**

Message from the President: Senate received the following message from the President of the United States:

A message from the President of the United States Transmitting, pursuant to law, a report relative to the designation as emergency requirements all funding (including the transfer and repurposing of funds) so designated by the Congress in the Continuing Appropriations Act, 2024 and Other Extensions Act pursuant to section 251(b)(2)(A) of the of the Balanced Budget and Emergency Deficit Control Act of 1985, as outlined in the enclosed list of accounts received during adjournment of the Senate on September 30, 2023; which was referred to the Committee on the Budget. (PM–24) **Page S4915**

O'Brien Nomination—Agreement: Senate resumed consideration of the nomination of James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs). **Pages S4904–14**

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

By 63 yeas to 32 nays (Vote No. EX. 248), Senate agreed to the motion to close further debate on the nomination. **Pages S4909–10**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 10 a.m., on Wednesday, October 4, 2023; that all post-cloture time be

considered expired at 11:30 a.m.; that if cloture is invoked on the nomination of Brendan Abell Hurson, of Maryland, to be United States District Judge for the District of Maryland, all time be considered expired at 2:15 p.m.; and that if cloture is invoked on the nomination of Susan Kim DeClercq, of Michigan, to be United States District Judge for the Eastern District of Michigan, all time be considered expired at 5:30 p.m. **Page S4920**

Nomination Received: Senate received the following nomination:

Hampton Y. Dellinger, of North Carolina, to be Special Counsel, Office of Special Counsel, for the term of five years. **Page S4920**

Messages from the House: **Page S4915**

Measures Referred: **Pages S4915–16**

Measures Placed on the Calendar: **Page S4916**

Additional Cosponsors: **Pages S4916–18**

Statements on Introduced Bills/Resolutions:
Pages S4918–19

Additional Statements: **Pages S4914–15**

Authorities for Committees to Meet: **Page S4919**

Record Votes: One record vote was taken today. (Total—248) **Pages S4909–10**

Adjournment: Senate convened at 3 p.m. and adjourned, as a further mark of respect to the memory

of the late James L. Buckley, former Senator for the State of New York, in accordance with S. Res. 394, at 7:12 p.m., until 10 a.m. on Wednesday, October 4, 2023. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4920.)

Committee Meetings

(Committees not listed did not meet)

SHOP SAFE ACT

Committee on the Judiciary: Subcommittee on Intellectual Property concluded a hearing to examine back to school with the SHOP SAFE Act, focusing on protecting our families from unsafe online counterfeits, including S. 2934, to amend the Trademark Act of 1946 to provide for contributory liability for certain electronic commerce platforms for use of a counterfeit mark by a third party on such platforms, after receiving testimony from Kari Kammel, Michigan State University Center for Anti-Counterfeiting and Product Protection, East Lansing; Daniel Shapiro, Red Points, Salt Lake City, Utah; and Steve Lamar, American Apparel and Footwear Association, and Matt Schruers, Computer and Communications Industry Association, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 5874–5892; and 5 resolutions, H. Con. Res. 71; and H. Res. 757–760, were introduced. **Pages H4985–86**

Additional Cosponsors: **Pages H4987–88**

Reports Filed: Reports were filed today as follows:

H. Res. 756, providing for consideration of the bill (H.R. 4394) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2024, and for other purposes, and providing for consideration of the bill (H.R. 4364) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2024, and for other purposes (H. Rept. 118–242); and

H.R. 3843, to amend title III of the Public Health Service Act to reauthorize grants to address dental workforce needs (H. Rept. 118–243).

Page H4985

Speaker: Read a letter from the Speaker wherein he appointed Representative Chavez-DeRemer to act as Speaker pro tempore for today. **Page H4953**

Recess: The House recessed at 11:14 a.m. and reconvened at 12 p.m. **Page H4961**

Recess: The House recessed at 12:58 p.m. and reconvened at 1:30 p.m. **Pages H4969–68**

Energy and Water Development and Related Agencies Appropriations Act, 2024, Legislative Branch Appropriations Act, 2024—Rule for Consideration: The House agreed to H. Res. 756, providing for consideration of the bill (H.R. 4394) making appropriations for energy and water development and related agencies for the fiscal year ending

September 30, 2024, and providing for consideration of the bill (H.R. 4364) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2024, by a recorded vote of 218 yeas to 208 noes, Roll No. 517, after the previous question was ordered by a yea-and-nay vote of 218 yeas to 207 nays, Roll No. 516. **Pages H4962–67, H4968–69**

Question of Privilege: Representative Gaetz rose to a question of the privileges of the House and submitted a resolution. Upon examination of the resolution, the Chair determined that the resolution qualified. Subsequently, the House rejected the Cole motion to table H. Res. 757, declaring the office of Speaker of the House of Representatives to be vacant, by a yea-and-nay vote of 208 yeas to 218 nays, Roll No. 518. The House proceeded with debate on the resolution and after debate agreed to the resolution by a yea-and-nay vote of 216 yeas to 210 nays, Roll No. 519. The Chair announced that the Office of the Speaker of the U.S. House of Representatives was thereby declared vacant. **Pages H4969–78**

Communication from the Clerk: The Clerk notified the House that the Honorable Patrick T. McHenry is the first name on the letter he received pursuant to clause 8(b)(3)(B) of rule I. **Page H4978**

Speaker pro tempore designation: The Chair announced that pursuant to clause 8(b)(3)(B) of rule I, the Honorable Patrick T. McHenry was designated Speaker pro tempore and the authorities of the Office of Speaker were bestowed upon the Speaker pro tempore to the extent necessary and appropriate until the election of a new Speaker. **Page H4978**

Recess: The House recessed at 4:48 p.m. and reconvened at 10:03 a.m. on Thursday, October 4, 2023. **Pages H4978–79**

Recess: The House recessed at 10:03 a.m. and reconvened at 3:23 p.m. **Page H4979**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 6th. **Page H4979**

Quorum Calls—Votes: Three yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H4968, H4968–69, H4969–70, and H4977–78.

Adjournment: The House met at 10 a.m. and adjourned at 3:24 p.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D938)

H.R. 5860, making continuing appropriations for fiscal year 2024. Signed on September 30, 2023. (Public Law 118–15)

S. 475, to designate the clinic of the Department of Veterans Affairs in Gallup, New Mexico, as the Hiroshi “Hershey” Miyamura VA Clinic. Signed on October 2, 2023. (Public Law 118–16)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 4, 2023

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: to receive a closed briefing on United States assistance to Ukrainian Air Defenses, 10 a.m., SVC–217.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Michael G. Whitaker, of Vermont, to be Administrator of the Federal Aviation Administration, Department of Transportation, 10 a.m., SR–253.

Full Committee, to hold hearings to examine CHIPS and science implementation and oversight, 2 p.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the BUILD Act reauthorization and Development Finance Corporation oversight, 10 a.m., SD–419.

Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy, to hold hearings to examine security on the Korean Peninsula, 2:30 p.m., SD–419.

Committee on the Judiciary: to hold hearings to examine the nominations of Mustafa Taher Kasubhai, to be United States District Judge for the District of Oregon, John A. Kazen, to be United States District Judge for the Southern District of Texas, Shanlyn A.S. Park, and Micah W.J. Smith, both to be a United States District Judge for the District of Hawaii, and Jamel Semper, to be United States District Judge for the District of New Jersey, 10 a.m., SD–226.

House

No hearings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of October 4 through October 6, 2023

Senate Chamber

On *Wednesday*, Senate will continue consideration of the nomination of James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs), post-cloture, and vote on confirmation thereon at 11:30 a.m.

Following disposition of the nomination of James C. O'Brien, Senate will vote on the motion to invoke

cloture on the nomination of Brendan Abell Hurson, of Maryland, to be United States District Judge for the District of Maryland. If cloture is invoked on the nomination, Senate will vote on confirmation thereon at 2:15 p.m.

Following disposition of the nomination of Brendan Abell Hurson, Senate will vote on the motion to invoke cloture on the nomination of Susan Kim DeClercq, of Michigan, to be United States District Judge for the Eastern District of Michigan. If cloture is invoked on the nomination, Senate will vote on confirmation thereon at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: October 4, to receive a closed briefing on United States assistance to Ukrainian Air Defenses, 10 a.m., SVC-217.

Committee on Commerce, Science, and Transportation: October 4, to hold hearings to examine the nomination of Michael G. Whitaker, of Vermont, to be Administrator of the Federal Aviation Administration, Department of Transportation, 10 a.m., SR-253.

October 4, Full Committee, to hold hearings to examine CHIPS and science implementation and oversight, 2 p.m., SR-253.

Committee on Foreign Relations: October 4, to hold hearings to examine the BUILD Act reauthorization and Development Finance Corporation oversight, 10 a.m., SD-419.

October 4, Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy, to hold hearings to examine security on the Korean Peninsula, 2:30 p.m., SD-419.

October 5, Full Committee, to hold hearings to examine the nominations of Richard H. Riley IV, of California, to be Ambassador to the Federal Republic of Somalia, and Mark Toner, of Pennsylvania, to be Ambassador to the Republic of Liberia, both of the Department of State, David E. White, Jr., of New York, to be Deputy Director of the Peace Corps, and other pending nominations, 10 a.m., SD-419.

Committee on the Judiciary: October 4, to hold hearings to examine the nominations of Mustafa Taher Kasubhai, to be United States District Judge for the District of Oregon, John A. Kazen, to be United States District Judge for the Southern District of Texas, Shanlyn A.S. Park, and Micah W.J. Smith, both to be a United States District Judge for the District of Hawaii, and Jamel Semper, to be United States District Judge for the District of New Jersey, 10 a.m., SD-226.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED EIGHTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through September 30, 2023

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session	131	134	..
Time in session	590 hrs, 52'	481 hrs, 30'	..
Congressional Record:			
Pages of proceedings	4,899	4,934	..
Extensions of Remarks .....	..	921	..
Public bills enacted into law	34	8	..
Private bills enacted into law .....	..	..	..
Bills in conference .....	..	1	..
Measures passed, total	268	235	503
Senate bills	46	8	..
House bills	11	127	..
Senate joint resolutions	5	3	..
House joint resolutions	7	12	..
Senate concurrent resolutions .....	..	..	..
House concurrent resolutions	6	11	..
Simple resolutions	193	74	..
Measures reported, total	*194	234	428
Senate bills	162	..	..
House bills .....	..	188	..
Senate joint resolutions .....	..	..	..
House joint resolutions .....	..	8	..
Senate concurrent resolutions	2	..	..
House concurrent resolutions .....	..	5	..
Simple resolutions	30	33	..
Special reports	17	2	..
Conference reports .....	..	..	..
Measures pending on calendar	182	118	..
Measures introduced, total	3,459	6,768	10,227
Bills	3,000	5,851	..
Joint resolutions	46	94	..
Concurrent resolutions	20	70	..
Simple resolutions	393	753	..
Quorum calls	2	1	..
Yea-and-nay votes	247	206	..
Recorded votes .....	..	306	..
Bills vetoed	3	5	..
Vetoes overridden .....	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through September 30, 2023

Civilian nominees, totaling 367, disposed of as follows:	
Confirmed	115
Unconfirmed	246
Withdrawn	6
Other Civilian nominees, totaling 1,137, disposed of as follows:	
Confirmed	925
Unconfirmed	212
Air Force nominees, totaling 5,732, disposed of as follows:	
Confirmed	5,093
Unconfirmed	639
Army nominees, totaling 6,561, disposed of as follows:	
Confirmed	6,406
Unconfirmed	155
Navy nominees, totaling 4,989, disposed of as follows:	
Confirmed	4,897
Unconfirmed	92
Marine Corps nominees, totaling 1,102, disposed of as follows:	
Confirmed	1,084
Unconfirmed	18
Space Force nominees, totaling 414, disposed of as follows:	
Confirmed	399
Unconfirmed	15
<i>Summary</i>	
Total nominees carried over from the First Session	0
Total nominees received this Session	20,302
Total confirmed	18,919
Total unconfirmed	1,377
Total withdrawn	6
Total returned to the White House	0

*These figures include all measures reported, even if there was no accompanying report. A total of 100 written reports have been filed in the Senate, 236 reports have been filed in the House.

Next Meeting of the SENATE

10 a.m., Wednesday, October 4

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 6

Senate Chamber

Program for Wednesday: Senate will continue consideration of the nomination of James C. O'Brien, of Nebraska, to be an Assistant Secretary of State (European and Eurasian Affairs), post-cloture, and vote on confirmation thereon at 11:30 a.m.

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Following disposition of the nomination of Brendan Abell Hurson, Senate will vote on the motion to invoke cloture on the nomination of Susan Kim DeClercq, of Michigan, to be United States District Judge for the Eastern District of Michigan. If cloture is invoked on the nomination, Senate will vote on confirmation thereon at 5:30 p.m.

(Senate will recess following the vote on the motion to invoke cloture on the nomination of Brendan Abell Hurson, until 2:15 p.m. for their respective party conferences.)

House Chamber

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

Extensions of Remarks, as inserted in this issue

HOUSE

Bergman, Jack, Mich., E928
Cline, Ben, Va., E928
Correa, J. Luis, Calif., E927, E928, E928

Eshoo, Anna G., Calif., E927
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Posey, Bill, Fla., E927
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Strickland, Marilyn, Wash., E928
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