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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 5, 2012, at 12 p.m.

Senate

FRIDAY, MARCH 2, 2012

The Senate met at 10 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sustain America with Your providential protection as You inspire us to cultivate faith, hope, and love. Bless our lawmakers, using them to make a positive difference in the lives of those in need. Touch our Senators with Your love and peace, as Your will is done in the Senate and in all the offices and homes represented here. Purge our hearts of anything that doesn't honor You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The leader of the Senate is recognized.

Mr. REID. Mr. President, I am very happy to see you here this morning. It is not often that we get our senior Members to preside, and we appreciate it very much.

SCHEDULE

Mr. REID. Following any leader remarks, the Senate will resume consideration of S. 1813, the surface transportation bill. Today we will continue to work with Republicans and hopefully find a path forward. There will be no rollcall votes today. The next vote will occur Tuesday morning.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, this is a new year, and thankfully it has brought new signs of economic recovery—not as vibrant as we would like

but some recovery—but it will never be good enough while we have millions of Americans unemployed in this country. As we say in the Senate, those on this side of the aisle, Democrats, we are not going to take our eye off the target; that is, a healthy economy. The bipartisan Transportation bill before the Senate is an important step in that direction. This bill will save or create almost 3 million jobs. Yet my Republican colleagues have caused the waste of about a month of precious time here on the Senate floor in obstructing this very important piece of legislation. So it is with disappointment that I am going to file cloture on this Transportation bill.

It seems 85 votes to begin debate on a measure no longer indicates a smooth legislative path forward. We would think that with 85 votes, we would have timely approval of the bill, but that has not taken place. That is because my Republican colleagues want to waste time on unrelated, ideological, nongermane, nonrelevant amendments instead of talking about the Nation's failing infrastructure.

There is no one, no one thinks—and I say that—no one believes that our roads, our highways, our bridges are up to snuff. They are not. We need significant work to bring them to a better condition. Tens of thousands of bridges are in a state of disrepair. So Republicans, instead of working on this valuable infrastructure bill, have been causing us to waste time on unrelated issues.

We have spent the last several weeks on women's access to health care, and,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of course, amendments they are talking about doing in addition to that would weaken our environmental protection, make our water less pure, our air dirtier—this instead of rebuilding, as I indicated we need to do, our roads and our bridges, even against their better judgment. One Republican leader said yesterday: We have spent enough time this year on trying to repeal the health care bill. But they have had to retract that because the tea party rose and said: Oh, we have to have more votes.

They are meaningless votes. Everyone knows there is going to be no repeal of the health care bill this year. So the Republican leader, who talked about this yesterday, was talking about maybe doing what Senator ALEXANDER and Senator PRYOR think we should do: spend our time on things that are constructive, such as getting our appropriations bills done. But, no, the tea party stepped in, and now there are going to be efforts made to repeal the health care bill. In fact, I read in the paper today a complete flip-flop from yesterday. Instead of not dealing with trying to repeal the health care bill the rest of this legislative year, now the word is that the entire month of March is going to be spent dealing with health care.

It is time to move forward on this bill. Hopefully, seven—that is all we need. There are 47 Republicans, and we need 7 of them to invoke cloture on this bill. That vote will occur Tuesday morning. All the nongermane, nonrelevant amendments, let them do them on a piece of legislation that is not so vital to the economy of this country. We are going to move forward on this bill. I certainly hope we can get seven Republicans to join with us. There are 53 of us, seven of them.

I have always said I would be happy to come up with an agreement. If they want to offer amendments that are relevant to what we are doing, that is fine. But that hasn't been forthcoming. I hope the weekend will give my Republican colleagues a chance to reflect on whether they are willing to put ideology ahead of the economy. Three million jobs and what do we spend our time on? An ideological issue to take health care away from women.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I want to make sure the record is very clear what the vote will be on Tuesday morning.

Before the day is out, I am going to file cloture on a work product. It is a bill that has the approval of BARBARA BOXER, a progressive Senator from California, and JIM INHOFE, a conservative Senator from Oklahoma. We have now added to that something that came out of the Finance Committee, something that came out of the Banking Committee, and something that came out of the Commerce Committee. All these measures have been relatively without any challenge. I can't understand why people wouldn't approve this. And what we added to this is 37 approved amendments. The staffs, with their respective Senators, have been working for days to come up with agreement on amendments that have been filed but not offered, and these amendments have been approved by the respective chair and ranking members of the committees, 37 of them. So we will be voting on Tuesday on that product—all of it bipartisan, all of it noncontroversial—so that we can complete work on this bill.

If we did nothing else, nothing else on this highway bill, then what we are going to vote cloture on, on Tuesday, would be really a good, strong legislative day for this body. Then we could have conference with the House. The House has already announced they can't do their senseless piece of legislation. Even tea party-driven Republicans in the House recognized that was something that was a figment of someone's imagination that they could get done. Now they are going to do a 2-year bill, like us. It will be easy to conference something like that. They may have some difference in some of the policy efforts, but that is why we have conferences.

This legislation is critical. At the end of this month, the end of March, the highway bill is no more. Projects that are being worked on in Hawaii and Nevada and around the other 48 States will come to a stop. There will be no money. New projects won't be able to go forward. This is a very important bill involving billions of dollars of badly needed construction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

SENIOR MEMBERS PRESIDING

Mr. REID. Mr. President, as I indicated to the Acting President pro tempore this morning, the junior Senator from Hawaii, how fortunate I was to have one of the senior Members of the Senate preside, that doesn't happen often, and here it is again with the Senator from West Virginia.

I was commenting to my friends on the staff who don't know the Senator from West Virginia very well—and they don't know a lot of us because we just whip through here. In a brief synopsis I was telling them what a wonderful man the Senator is and what he has done to contribute to a better society. I have such gratitude to know the Presiding Officer, to know his background and the sacrifices he has made for his country. He has done so much for his State. When the history books are written, there will be a big chapter on what has taken place in West Virginia during the Presiding Officer's service there.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 1761 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

CLOTURE MOTION

Mr. REID. Mr. President, I have a second cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

Mr. REID. Mr. President, I ask unanimous consent that the clerks be authorized to modify the instruction lines on any amendments currently filed in order to match the page and line numbers on the pending Reid of Nevada amendment No. 1761, and that those amendments and instruction line modifications be considered timely filed under rule XXII; further, that the mandatory quorum under rule XXII be waived for the two cloture motions that were just filed; finally, that the cloture vote on the Reid amendment No. 1761 occur at 12 noon, Tuesday, March 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each during that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13288 ON MARCH 6, 2003, WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2012.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the

foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

The United States welcomes the opportunity to modify the targeted sanctions regime when blocked persons demonstrate a clear commitment to respect the rule of law, democracy, and human rights. The United States has committed to continue its review of the targeted sanctions list for Zimbabwe to ensure it remains current and addresses the concerns for which it was created. We hope that events on the ground will allow us to take additional action to recognize progress in Zimbabwe in the future. The goal of a peaceful, democratic Zimbabwe remains foremost in our consideration of any action.

BARACK OBAMA.

THE WHITE HOUSE, March 2, 2012.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1837. An act to address certain water-related concerns on the San Joaquin River, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5179. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 9331-8) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5180. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trinexapac-ethyl; Pesticide Tolerances" (FRL No. 9337-9) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5181. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Atlanta; Fine Particulate Matter 2002 Base Year Emissions Inventory" (FRL No. 9639-4) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5182. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Lead Ambient Air Quality Standards" (FRL No. 9641-8) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5183. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste Exclusion" (FRL No. 9640-2) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5184. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Macon; Fine Particulate Matter 2002 Base Year Emissions Inventory" (FRL No. 9639-8) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5185. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Quality Management District" (FRL No. 9626-4) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5186. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Feather River Air Quality Management District" (FRL No. 9626-3) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Environment and Public Works.

EC-5187. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Public Inspection of Material Relating to Tax-Exempt Organizations" ((RIN1545-BG60) (TD 9581)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Finance.

EC-5188. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Summary of Benefits and Coverage and Uniform Glossary" ((RIN1545-BJ94) (TD 9575)) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Finance.

EC-5189. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC-5190. A communication from the President, Chief Scout Executive, and the National Commissioner, Boy Scouts of America, transmitting, pursuant to law, the organization's 2011 annual report; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 2152. A bill to promote United States policy objectives in Syria, including the departure from power of President Bashar Assad and his family, the effective transition to a democratic, free, and secure country,

and the promotion of a prosperous future in Syria; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 14, 2012, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Adam Sieminski, to be Administrator of the Energy Information Administration, Marcilynn Burke to be an Assistant Secretary of the Interior, Anthony

Clark to be a Member of the Federal Energy Regulatory Commission, and John Norris to be a Member of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

MEASURE READ THE 1ST TIME— H.R. 1837

Mr. REID. Mr. President, I am told there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading in order to place the bill on the calendar under rule XIV, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, MARCH 5, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 5, at 2 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the filing deadline for first-degree amendments to S. 1813 be 4 p.m. on Monday, March 5, and the filing deadline for second-degree amendments to the Reid amendment No. 1761 and S. 1813 be 11:30 a.m., Tuesday, March 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 6, 2012, at 2:15 p.m., the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 439 and 440; that there be 2 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 439 and 440, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative section.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, today I filed cloture on the Reid amendment on the underlying Transportation bill. The cloture vote on that amendment will occur at noon on Tuesday. We will continue to work on a path to get this bill done. The quickest way to get it done would be to invoke cloture.

As a reminder, at 2:15 p.m. on Tuesday there will be two votes on the confirmation of the Phillips and Rice nominations.

ADJOURNMENT UNTIL MONDAY, MARCH 5, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 11:48 a.m., adjourned until Monday, March 5, 2012, at 2 p.m.