

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1583–S1638*

**Measures Introduced:** Three bills and one resolution were introduced, as follows: S. 2188–2190, and S. Res. 395. **Pages S1613–14**

**Measures Considered:**

**Moving Ahead for Progress in the 21st Century—Agreement:** Senate resumed consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto:

**Pages S1592–S1610**

Adopted:

By 50 yeas to 47 nays (Vote No. 37), Bingaman/Durbin Amendment No. 1759, to remove privatized highways from consideration in apportioning highway funding among States. **Pages S1593–94, S1595–96**

Brown (OH)/Merkley Amendment No. 1819, to close a loophole in current law which has allowed public infrastructure projects to be outsourced, to standardize the process by which the Secretary of Transportation responds to requests for waivers to applicable Buy America provisions, and to require the Secretary to report annually to Congress regarding such waivers. **Pages S1601–02**

Blunt/Casey Amendment No. 1540, to modify the section relating to off-system bridges. **Pages S1593, S1602**

Merkley Modified Amendment No. 1814, to provide exemptions from requirements for certain farm vehicles. **Pages S1602–03**

Klobuchar/Roberts Amendment No. 1617, to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies. **Pages S1603–04**

Boxer Amendment No. 1830, to improve the bill. **Page S1606**

Rejected:

By 30 yeas to 67 nays (Vote No. 36), Coats (for DeMint) Amendment No. 1756, to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national

surface transportation systems that are not within the direct purview of the Federal Government. **Pages S1593, S1594–95**

By 41 yeas to 57 nays (Vote No. 38), Roberts Modified Amendment No. 1826, of a perfecting nature. (Pursuant to the order of Wednesday, March 7, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S1593, S1596–97**

By 49 yeas to 49 nays (Vote No. 39), Stabenow Modified Amendment No. 1812, to prevent a tax increase on American businesses and to provide certainty to job creators by extending certain expiring tax credits relating to energy. (Pursuant to the order of Wednesday, March 7, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S1597–99**

By 26 yeas to 72 nays (Vote No. 40), Coats (for DeMint) Amendment No. 1589, to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate. (Pursuant to the order of Wednesday, March 7, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S1593, S1599–S1600**

By 51 yeas to 47 nays (Vote No. 41), Menendez Amendment No. 1782, to amend the Internal Revenue Code of 1986 to modify certain tax credits relating to energy. (Pursuant to the order of Wednesday, March 7, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S1600–01**

By 28 yeas to 70 nays (Vote No. 42), Coats/Lugar Amendment No. 1517, to modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State. **Page S1601**

By 30 yeas to 68 nays (Vote No. 43), Portman/Coburn Amendment No. 1736, to free States to spend gas taxes on their transportation priorities. **Pages S1593, S1604**

By 12 yeas to 86 nays (Vote No. 45), Portman Amendment No. 1742, to allow States to permit nonhighway uses in rest areas along any highway. **Pages S1593, S1605–06**

Pending:  
McCain Modified Amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park. **Page S1593**

Corker Amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year. **Page S1593**

Coats (for Alexander) Amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks. **Page S1593**

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

By 40 yeas to 58 nays (Vote No. 44), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Corker Modified Amendment No. 1785, to lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$11,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund. Subsequently, the Chair sustained a point of order against Corker Modified Amendment No. 1785, as being in violation of section 306 of the Congressional Budget Act of 1974.

**Pages S1593, S1604-05**

A unanimous-consent request was granted permitting Senator Ayotte to change her yea vote to a nay vote on Vote No. 28 changing the outcome of the vote to 43 yeas to 55 nays relative to Vitter Amendment No. 1535. **Page S1606**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, March 14, 2012; with the time until 11:30 a.m. equally divided between the two Leaders, or their designees; that upon the disposition of the bill, Senate proceed to a period of morning business until 2 p.m.

**Page S1638**

**Groh Nomination—Agreement:** A unanimous-consent-time agreement was reached providing that at 2 p.m., on Wednesday, March 14, 2012, Senate resume consideration of the nomination of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia, and that there be 30 minutes for debate equally divided prior to the vote on the motion to invoke cloture on the nomination. **Page S1638**

**Measures Placed on the Calendar:**

**Pages S1583, S1613**

**Executive Communications:**

**Page S1613**

**Additional Cosponsors:** **Pages S1614-15**

**Statements on Introduced Bills/Resolutions:** **Pages S1615-18**

**Additional Statements:** **Pages S1610-13**

**Amendments Submitted:** **Pages S1618-38**

**Notices of Hearings/Meetings:** **Page S1638**

**Authorities for Committees to Meet:** **Page S1638**

**Record Votes:** Ten record votes were taken today. (Total—45) **Pages S1595-97, S1599, S1601, S1604-06**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:45 p.m., until 9:30 a.m. on Wednesday, March 14, 2012. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1638.)

## Committee Meetings

*(Committees not listed did not meet)*

### DEFENSE AUTHORIZATION REQUEST AND THE FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Committee concluded a hearing to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from General Douglas M. Fraser, United States Air Force, Commander, United States Southern Command, and General Charles H. Jacoby, Jr., United States Army, Commander, United States Northern Command, and North American Aerospace Defense Command, both of the Department of Defense.

### DEPARTMENT OF ENERGY LOAN AND LOAN GUARANTEE PORTFOLIO

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the report of the Independent Consultant’s Review with Respect to the Department of Energy Loan and Loan Guarantee Portfolio, after receiving testimony from Steven Chu, Secretary of Energy.

### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization, and William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, both of the Department of State, and Sara Margalit Aviel, of California, to be United States Alternate Executive Director of

the International Bank for Reconstruction and Development, after the nominees testified and answered questions in their own behalf.

### FREEDOM OF INFORMATION ACT

*Committee on the Judiciary:* Committee concluded a hearing to examine the Freedom of Information Act, focusing on safeguarding critical infrastructure information and the public's right to know, after receiving

testimony from Melanie Ann Pustay, Director, Office of Information Policy, Department of Justice; Miriam Nisbet, Director, Office of Government Information Services, National Archives and Records Administration; Kenneth F. Bunting, National Freedom of Information Coalition, Columbia, Missouri; Paul Rosenzweig, George Washington University, Washington, D.C.; and J. M. Ensminger, Elizabethtown, North Carolina.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 1 public bill, H.R. 4196; and 3 resolutions, H. Res. 583–585 were introduced. **Page H1362**

**Additional Cosponsors:** **Pages H1362–63**

**Report Filed:** A report was filed today as follows:

H.R. 452, to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board, with an amendment (H. Rept. 112–412, Pt. 1). **Page H1362**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Rooney to act as Speaker pro tempore for today. **Page H1361**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H1361.

**Senate Referral:** S. Res. 390 was held at the desk. **Page H1361**

**Quorum Calls—Votes:** There were no yea-and-nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:02 a.m.

### Committee Meetings

No hearings were held.

### Joint Meetings

No joint committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D236)

H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket econ-

omy countries. Signed on March 13, 2012. (Public Law 112–99)

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### COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 14, 2012

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Appropriations:* Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold an oversight hearing to examine Federal onshore and offshore energy development programs in the Department of the Interior, 9:30 a.m., SD–124.

Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Agency for International Development, 10 a.m., SD–226.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Air Force, 10:30 a.m., SD–192.

Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Labor, 10:30 a.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Energy, 2:30 p.m., SD–192.

*Committee on Armed Services:* Subcommittee on Personnel, to hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, 2 p.m., SR–232A.

Subcommittee on Strategic Forces, to hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy's Office of Environmental Management in review of the Department of Energy budget request for fiscal year

2013; with the possibility of a closed session in SVC-217 following the open session, 2:30 p.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine issues in the prepaid card market, 2:30 p.m., SD-538.

*Committee on Foreign Relations:* To hold hearings to examine Sudan and South Sudan, focusing on independence and insecurity, 10 a.m., SD-419.

Full Committee, to hold hearings to examine the nominations of Pamela A. White, of Maine, to be Ambassador to the Republic of Haiti, Linda Thomas-Greenfield, of Louisiana, to be Director General of the Foreign Service, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, all of the Department of State, 3 p.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* To hold hearings to examine Congress, focusing on reform proposals for the 21st century, 10 a.m., SD-342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Colum-

bia, to hold hearings to examine managing interagency nuclear nonproliferation efforts, focusing on if nuclear materials around the world are effectively secured, 2:30 p.m., SD-342.

*Committee on the Judiciary:* To hold hearings to examine the nominations of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, John Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, and Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa, 2:45 p.m., SD-226.

*Committee on Veterans' Affairs:* To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan, 10 a.m., SR-418.

### House

No hearings are scheduled.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, March 14

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, March 16

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century, with three votes including final passage of the bill at 11:30 a.m.

At 2 p.m., Senate will resume consideration of the nomination of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia, with up to 17 cloture votes on judicial nominations at 2:30 p.m.

## House Chamber

**Program for Friday:** The House will meet in pro forma session at 10 a.m.

## Extensions of Remarks, as inserted in this issue

## HOUSE

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