

# Daily Digest

## Senate

### Chamber Action

#### Routine Proceedings, pages S431–S498

**Measures Introduced:** Seven bills and five resolutions were introduced, as follows: S. 255–261, and S. Res. 36–40. **Pages S481–82**

#### Measures Passed:

**National Women and Girls in Sports Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 30, celebrating February 2, 2011, as the 25th anniversary of “National Women and Girls in Sports Day”, and the resolution was then agreed to. **Page S492**

**National Stalking Awareness Month:** Senate agreed to S. Res. 36, raising awareness and encouraging prevention of stalking by designating January 2011 as “National Stalking Awareness Month”. **Pages S492–93**

**Catholic Schools Week:** Senate agreed to S. Res. 37, recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States. **Page S493**

**100th Anniversary of Brooklyn Center, Minnesota:** Senate agreed to S. Res. 38, congratulating Brooklyn Center, Minnesota on its 100th anniversary. **Page S493**

**Congratulating the Auburn University Football Team:** Senate agreed to S. Res. 39, congratulating the Auburn University football team for winning the 2010 Bowl Championship Series National Championship. **Page S493**

**Congratulating the University of Akron Men’s Soccer Team:** Senate agreed to S. Res. 40, congratulating the University of Akron men’s soccer team on winning the National Collegiate Athletic Association Division I Men’s Soccer Championship. **Page S494**

#### Measures Considered:

**FAA Air Transportation Modernization and Safety Improvement Act—Agreement:** Senate continued consideration of S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traf-

fic control system, reauthorize the Federal Aviation Administration, taking action on the following amendments proposed thereto: **Pages S434–77**

#### Adopted:

Stabenow Amendment No. 9, to repeal the expansion of information reporting requirements for payment of \$600 or more to corporations. **Pages S434, S474**

#### Withdrawn:

By 44 yeas to 54 nays (Vote No. 7), Levin Amendment No. 28, to repeal the expansion of information reporting requirements under the Patient Protection and Affordable Care Act. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S471–74**

#### Pending:

Whitehouse Amendment No. 8, to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes. **Pages S475–77**

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

By 81 yeas to 17 nays (Vote No. 8), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, and all applicable sections of those Acts and applicable budget resolutions, with respect to Stabenow Amendment No. 9, (listed above). The point of order that the amendment was in violation of section 311 of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009, was not sustained. **Page S474**

By 47 yeas to 51 nays (Vote No. 9), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, and all applicable sections of those Acts and applicable budget resolutions, with respect to McConnell Amendment No. 13, to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010. Subsequently, a point of

order that the amendment was in violation of section 311 of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009 was sustained, and the amendment thus fell. **Pages S474–75**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, February 3, 2011. **Page S494**

#### Appointments:

**Senate National Security Working Group:** The Chair, announced on behalf of the Majority Leader, pursuant to provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 15, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), further amended by S. Res. 625 (adopted December 6, 2006) and further amended by S. Res. 715 (adopted November 28, 2008), and amended by S. Res. 706 (adopted December 22, 2010), the appointment of the following Senators as members of the Senate National Security Working Group for the 112th Congress: The Senator from Hawaii (Mr. Inouye), who will serve in his capacity as President pro tempore of the Senate

The Senator from Michigan (Mr. Levin) as Democratic Co-Chairman

The Senator from Massachusetts (Mr. Kerry) as Democratic Co-Chairman

The Senator from New Jersey (Mr. Lautenberg) as Democratic Co-Chairman

The Senator from Illinois (Mr. Durbin)

The Senator from Florida (Mr. Nelson)

The Senator from Maryland (Mr. Cardin)

The Senator from Pennsylvania (Mr. Casey), and

The Senator from Massachusetts (Mr. Kerry) as Majority Administrative Co-Chairman. **Page S494**

**The Board of Trustees of Gallaudet University:** The Chair, on behalf of the Vice President, pursuant to Public Law 83–420, as amended by Public Law 99–371, appointed the Senator from Ohio (Mr. Brown) to the Board of Trustees of Gallaudet University. **Page S494**

**United States Holocaust Memorial Council:** The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appointed and reappointed the following Senators to the United States Holocaust Memorial Council for the 112th Congress:

The Honorable Frank R. Lautenberg of New Jersey (reappointment)

The Honorable Bernard Sanders of Vermont (reappointment), and

The Honorable Richard J. Durbin of Illinois (appointment). **Page S494**

**Commission on Security and Cooperation in Europe:** The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed the following Senators as members of the Commission on Security and Cooperation in Europe during the 112th Congress:

The Honorable Benjamin L. Cardin of Maryland (Co-Chairman)

The Honorable Sheldon Whitehouse of Rhode Island

The Honorable Tom Udall of New Mexico

The Honorable Jeanne Shaheen of New Hampshire, and

The Honorable Richard Blumenthal of Connecticut. **Page S494**

**U.S.-China Interparliamentary Group:** The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, appointed the following Senator as Chairman of the U.S.-China Interparliamentary Group conference during the 112th Congress:

The Honorable Patty Murray of Washington.

**Page S494**

**U.S.-Japan Interparliamentary Group:** The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110–161, appointed the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 112th Congress:

The Honorable Daniel K. Inouye of Hawaii.

**Page S494**

**Mexico-U.S. Interparliamentary Group:** The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed the following Senator as Chairman to the Mexico-U.S. Interparliamentary Group conference for the 112th Congress:

The Honorable Tom Udall of New Mexico.

**Page S494**

**U.S.-Russia Interparliamentary Group:** The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, appointed the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group Conference during the 112th Congress:

The Honorable E. Benjamin Nelson of Nebraska.

**Page S494**

**British-American Interparliamentary Group:** The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed the Senator from Vermont (Mr. Leahy) as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 112th Congress. **Page S494**

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

Transmitting, pursuant to law, a report concerning the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, (the “New START Treaty”); which was referred to the Committee on Foreign Relations. (PM—4) **Page S480**

**Nominations Received:** Senate received the following nominations:

Paul A. Engelmayer, of New York, to be United States District Judge for the Southern District of New York.

Arvo Mikkanen, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

1 Army nomination in the rank of general.

4 Coast Guard nominations in the rank of admiral.

23 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, National Oceanic and Atmospheric Administration, Navy, and Public Health Service. **Pages S495–98**

**Executive Communications:** **Pages S480–81**

**Petitions and Memorials:** **Page S481**

**Additional Cosponsors:** **Pages S482–83**

**Statements on Introduced Bills/Resolutions:** **Pages S483–88**

**Additional Statements:** **Pages S479–80**

**Amendments Submitted:** **Pages S488–91**

**Authorities for Committees to Meet:** **Pages S491–92**

**Privileges of the Floor:** **Page S492**

**Record Votes:** Three record votes were taken today. (Total—9) **Pages S474–75**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:58 p.m., until 9:30 a.m. on Thursday, February 3, 2011. (For Senate’s program, see the re-

marks of the Acting Majority Leader in today’s Record on page S495.)

## Committee Meetings

(Committees not listed did not meet)

### TAX REFORM

**Committee on the Budget:** Committee concluded a hearing to examine tax reform, focusing on fiscal responsibility, after receiving testimony from C. Eugene Steuerle, Urban Institute, and Donald B. Marron, Urban-Brookings Tax Policy Center, both of Washington, D.C.; Rosanne Altshuler, Rutgers University, New York, New York; and Lawrence B. Lindsey, Lindsey Group, Fairfax, Virginia.

### OVERSIGHT: PUBLIC HEALTH AND DRINKING WATER

**Committee on Environment and Public Works:** Committee concluded an oversight hearing to examine public health and drinking water issues, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency; Linda S. Birnbaum, Director, National Institute of Environmental Health Sciences, National Institutes of Health, and Director, National Toxicology Program, Department of Health and Human Services; Kenneth A. Cook, Environmental Working Group, and Diane VanDe Hei, Association of Metropolitan Water Agencies, both of Washington, D.C.; Charles Murray, Fairfax Water, Fairfax, Virginia, on behalf of the American Water Works Association; and Thomas A. Burke, Johns Hopkins Bloomberg School of Public Health, Baltimore, Maryland.

### CONSTITUTIONALITY OF THE AFFORDABLE CARE ACT

**Committee on the Judiciary:** Committee concluded a hearing to examine the constitutionality of the Affordable Care Act, after receiving testimony from John Kroger, Oregon Attorney General, Salem; Randy E. Barnett, Georgetown University Law Center, and Michael A. Carvin, Jones Day, both of Washington, D.C.; Walter Dellinger, Duke University School of Law, Durham, North Carolina; and Charles Fried, Harvard Law School, Cambridge, Massachusetts.

### NOMINATIONS

**Committee on the Judiciary:** Committee concluded a hearing to examine the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Kathleen M. Williams, to be United States District Judge for the Southern District of Florida, who was introduced by Senators Nelson (FL) and Rubio, and Mae A.