Friday, March 5, 2021

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1319, American Rescue Plan Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S1217–S1407

Measures Introduced: Five bills were introduced, as follows: S. 612–616. **Page S1274**

Measures Passed:

American Rescue Plan Act: By 50 yeas to 49 nays (Vote No. 110), Senate passed H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5, after taking action on the following amendments proposed thereto: **Pages S1219–69**

Adopted:

By 50 yeas to 49 nays (Vote No. 76), Portman Amendment No. 1092 (to Amendment No. 891), to reduce unemployment compensation provisions. **Pages S1231–33**

By 50 yeas to 49 nays (Vote No. 79), Wyden Amendment No. 1378 (to Amendment No. 891), relating to crisis support for unemployed workers. **Pages S1234–35**

By 51 yeas to 48 nays (Vote No. 81), Hassan/Murray Amendment No. 1344 (to Amendment No. 891), to provide for a safe return to in-person instruction. **Pages S1236–37**

Moran Amendment No. 1342 (to Amendment No. 891), to provide an effective date for the modification of revenue requirements for proprietary institutions or higher education. **Pages S1245–46**

Murkowski/Portman Amendment No. 1233 (to Amendment No. 891), to use $800,000,000 of the Elementary and Secondary School Emergency Relief Fund to identify and provide homeless children and youth with wrap-around services in light of the challenges of COVID–19 and other assistance. **Page S1260**

By 93 yeas to 6 nays (Vote No. 109),Warner/Rubio Amendment No. 1391 (to Amendment No. 891), to extend the authority for Federal contractors to reimburse employees unable to perform work due to the COVID–19 pandemic from March 31, 2021, to September 30, 2021. **Page S1261**

Schumer Amendment No. 1398 (to Amendment No. 891), of a perfecting nature. **Pages S1261–62**

Schumer Amendment No. 891, relating to the American Rescue Plan Act of 2021. **Pages S1219–69**

Rejected:

By 49 yeas to 50 nays (Vote No. 78), Scott (SC)/Barrasso Amendment No. 1030 (to Amendment No. 891), relating to funding for State strike teams for resident and employee safety in nursing facilities. **Pages S1233–34**

By 48 yeas to 51 nays (Vote No. 80), Rubio Amendment No. 1026 (to Amendment No. 891), to amend the Elementary and Secondary School Emergency Relief Fund. **Pages S1235–36**

By 48 yeas to 51 nays (Vote No. 82), Graham Modified Amendment No. 1369 (to Amendment No. 891), relating to Coronavirus State and local fiscal recovery fund. **Pages S1237–38**

By 49 yeas to 50 nays (Vote No. 84), Cassidy Amendment No. 1161 (to Amendment No. 891), relating to emergency assistance to non-public schools. **Pages S1239–40**

By 49 yeas to 50 nays (Vote No. 85), Grassley motion to commit the bill to the Committee on Finance, with instructions. **Page S1240**

By 49 yeas to 50 nays (Vote No. 86), Toomey/Daines Amendment No. 1010 (to Amendment No. 891), to strike a provision providing payments to farmers for purposes unrelated to COVID–19. **Pages S1240–41**

By 49 yeas to 50 nays (Vote No. 87), Fischer Amendment No. 944 (to Amendment No. 891), to distribute funds for public transportation urbanized area formula grants through the existing formulas. **Pages S1241–42**

By 47 yeas to 51 nays (Vote No. 88), Paul Amendment No. 1014 (to Amendment No. 891), to strike provisions relating to nonprofit entities for the paycheck protection program. **Page S1242**

By 48 yeas to 50 nays (Vote No. 89), Young Amendment No. 1383, to strike the provision establishing the Emergency Federal Employee Leave Fund and appropriate $300,000,000 for chemical screening devices for U.S. Customs and Border Protection. **Pages S1242–43**

By 48 yeas to 50 nays (Vote No. 90), Capito Motion to commit the bill to the Committee on Finance, with instructions. **Pages S1243–44**

By 47 yeas to 51 nays (Vote No. 91), Scott (FL) Amendment No. 1395 (to Amendment No. 891), to fund the procurement of HC–130J aircraft by the Coast Guard, and to provide an offset by striking National Railroad Passenger Corporation grant funding for the Northeast Corridor. **Pages S1244–45**

By 48 yeas to 50 nays (Vote No. 92), Cotton motion to commit the bill to the Committee on Finance, with instructions. **Page S1245**

By 49 yeas to 50 nays (Vote No. 93), Blackburn Amendment No. 996 (to Amendment No. 891), to strike section 9831. **Pages S1247–47**

By 49 yeas to 50 nays (Vote No. 95), Cruz Amendment No. 969 (to Amendment No. 891), to provide children with an option for in-classroom education instruction if the child's local public school does not commit to re-opening to 5-day-a-week, in-classroom instruction for the remainder of the current school year and the 2021–2022 school year. **Pages S1247–49**

By 49 yeas to 50 nays (Vote No. 96), Romney Amendment No. 1364 (to Amendment No. 891), to provide relief for State and local governments based on demonstrated need. **Pages S1249–50**

By 49 yeas to 50 nays (Vote No. 98), Haggerty motions to commit the bill to the Committees (en bloc): Environment and Public Works; Agriculture, Nutrition and Forestry; Health, Education, Labor, and Pensions; Banking, Housing, and Urban Affairs; Homeland Security and Governmental Affairs; Small Business and Entrepreneurship; Commerce, Science, and Transportation; Veterans' Affairs; Finance; Foreign Relations; Indian Affairs, with instructions. **Pages S1251–54**

By 48 yeas to 50 nays (Vote No. 99), Kennedy motion to commit the bill to the Committee on Small Business and Entrepreneurship, with instructions. **Page S1254**

By 48 yeas to 51 nays (Vote No. 100), Scott (FL) motion to commit the bill to the Committee on Homeland Security and Governmental Affairs, with instructions. **Page S1254**

By 49 yeas to 50 nays (Vote No. 101), Lee/Rubio Amendment No. 1381 (to Amendment No. 891), to modify the provisions relating to the child tax credit and to strike the provisions relating to dependent care assistance. **Pages S1255–56**

By 49 yeas to 50 nays (Vote No. 102), Cornyn motion to commit the bill to the Committee on Health, Education, Labor and Pensions, with instructions. **Page S1256**

By 49 yeas to 50 nays (Vote No. 103), Cassidy/Cotton Amendment No. 1162 (to Amendment No. 891), to ensure that the 2021 Recovery Rebates are not provided to prisoners. **Pages S1256–67**

By 49 yeas to 50 nays (Vote No. 104), Cruz Amendment No. 968 (to Amendment No. 891), to ensure that the 2021 Recovery Rebates are not provided to illegal immigrants. **Pages S1257–58**

By 49 yeas to 50 nays (Vote No. 105), Lee Amendment No. 1331 (to Amendment No. 891), to limit the expansion of premium assistance for households above 500 percent of the federal poverty line. **Page S1258**

By 45 yeas to 54 nays (Vote No. 106), Grassley Amendment No. 902 (to Amendment No. 891), to provide funding for payments for losses of crops due to disasters. **Pages S1258–59**

By 49 yeas to 50 nays (Vote No. 107), Moran Amendment No. 1154 (to Amendment No. 891), to increase the availability of amounts for the Veterans Community Care program of the Department of Veterans Affairs. **Pages S1259–60**

By 49 yeas to 50 nays (Vote No. 108), Daines motion to commit the bill to the Committee on Foreign Relations, with instructions. **Pages S1260–61**

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

By 42 yeas to 58 nays (Vote No. 74), 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 the waiver provisions of all applicable budget resolutions, with respect to Sanders Amendment No. 972 (to Amendment No. 891), to provide for increases in the Federal minimum wage. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(D) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S1219–30**

By 49 yeas to 50 nays (Vote No. 75), Senate rejected the McConnell motion to adjourn the Senate until 10 a.m., on Saturday, March 6, 2021. **Page S1231**

By 48 yeas to 51 nays (Vote No. 77), 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 the waiver provisions of all applicable budget resolutions, with respect to Collins Amendment No. 1242 (to Amendment No. 891), in the nature of a substitute. Subsequently, the point of order that the amendment was in violation of section

313(b)(1)(D) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Page S1233**

By 51 yeas to 48 nays (Vote No. 83), 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 the waiver provisions of all applicable budget resolutions, with respect to Tester Amendment No. 1197 (to Amendment No. 891), to require the President to review and approve the Keystone XL Pipeline to assist COVID-impacted communities. Subsequently, the point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S1238–39**

By 52 yeas to 47 nays (Vote No. 94), 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 the waiver provisions of all applicable budget resolutions, with respect to Lankford Amendment No. 1031 (to Amendment No. 891), relating to programs for survivors. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(D) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Page S1247**

By 49 yeas to 50 nays (Vote No. 97), 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 the waiver provisions of all applicable budget resolutions, with respect to Tuberville Amendment No. 1386 (to Amendment No. 891), to prohibit funds made available under title II to States, local educational agencies, and institutions of higher education that permit any student whose biological sex is male to participate in an athletic program or activity designated for women or girls. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(D) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S1250–51**

Measures Considered:

Secretary of Defense Appointment Exception: Senate began consideration of the motion to proceed to consideration of S. 11, to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces. **Page S1270**

Fudge Nomination—Cloture: Senate began consideration of the nomination of Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development. **Page S1269**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Saturday, March 6, 2021, a vote on cloture will occur at 5:30 p.m., on Tuesday, March 9, 2021. **Page S1269**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1269**

A unanimous-consent agreement was reached providing that Senate resume consideration of the nomination at approximately 3 p.m., on Tuesday, March 9, 2021.

Garland Nomination—Cloture: Senate began consideration of the nomination of Merrick Brian Garland, of Maryland, to be Attorney General. **Page S1269**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development. **Page S1269**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1269**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1269**

Regan Nomination—Cloture: Senate began consideration of the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency. **Page S1270**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Merrick Brian Garland, of Maryland, to be Attorney General. **Page S1270**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S1270**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S1270**

A unanimous-consent agreement was reached providing that if cloture is invoked on the nomination of Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development, post-cloture time expire on Wednesday, March 10, 2021, at 12 noon;

and that notwithstanding Rule XXII, following the cloture vote on the nomination of Marcia Louise Fudge, Senate vote on the motion to invoke cloture on the nomination of Merrick Brian Garland, of Maryland, to be Attorney General; and if cloture is invoked on the nomination of Merrick Brian Garland, post-cloture time expire on Wednesday, March 10, 2021, at 2:15 p.m.; further that motion to invoke cloture on the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency, ripen following disposition of Merrick Brian Garland.

Page S1270

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Page S1404

Executive Communications:

Additional Cosponsors: **Pages S1275–76**

Statements on Introduced Bills/Resolutions:

Additional Statements: **Page S1274**

Amendments Submitted: **Pages S1276–S1406**

Privileges of the Floor: **Page S1406**

Record Votes: Thirty-seven record votes were taken today. (Total—110) **Pages S1230–61, S1269**

Adjournment: Senate convened at 9 a.m. on Friday, March 5, 2021 and adjourned at 1:05 p.m. on Saturday, March 6, 2021, until 3 p.m. on Tuesday, March 9, 2021. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1407.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at noon on Monday, March 8, 2021.

Committee Meetings

STATUS OF DEPARTMENT OF VETERANS AFFAIRS INFRASTRUCTURE

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing entitled "Status of Department of Veterans Affairs Infrastructure". Testimony was heard from the following Department of Veterans Affairs officials: Tony Costa, Deputy Executive Director, Construction and Facilities Management; Edward Litvin, Deputy to the Assistant Undersecretary for Health Administrative Operations, Veterans Health Administration; and Brett Simms, Executive Director, Office of Asset and Enterprise Management.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, MARCH 8, 2021

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Rules, Full Committee, hearing on H.R. 842, the "Protecting the Right to Organize Act of 2021"; H.R. 8, the "Bipartisan Background Checks Act of 2021"; H.R. 1446, the "Enhanced Background Checks Act of 2021", 10:30 a.m., Webex.