

Federal civilian real property are less than \$7,000,000,000, then there shall be a downward adjustment in the discretionary category by the amount of such shortfall in the following fiscal year.

“(ii) If the discretionary spending limits set forth in subsection (c) have been revised pursuant to section 251A, adjustments made pursuant to clause (i) shall only be made to the revised non-security category set forth for each of fiscal years 2014 through 2021.

“(iii)(I) As used in this subparagraph, the term ‘Federal civilian real property’ refers to Federal real property assets, including Federal buildings as defined in section 3301 of title 40, United States Code, occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

“(II) Subclause (I) shall not be construed as including any of the following types of property:

“(aa) Properties that are excluded for reasons of national security by the Secretary of Defense.

“(bb) Properties that are excepted from the definition of ‘property’ under section 102(9) of title 40, United States.”.

**SA 1748.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

**SEC. 15. RECYCLING AND USE OF FLY ASH.**

(a) FINDINGS.—Congress finds that—

(1) concrete is a major transportation construction material in the United States;

(2) 25 percent of the Interstate System is paved in concrete;

(3) concrete has been used to construct 65 percent of the bridges in the United States;

(4) concrete represents approximately 15 percent of the total cost of constructing and maintaining the transportation infrastructure of the United States each year;

(5) more than 75 percent of that concrete, a quantity worth approximately \$9,900,000,000, uses fly ash as a partial cement replacement blend;

(6) in some States, including California, Florida, Louisiana, New Mexico, Nevada, Texas, and Utah, fly ash is used for virtually all concrete projects;

(7) fly ash concrete has a number of very significant, well-documented benefits that make fly ash concrete a mixture of choice for many State and local transportation departments and transportation engineers; and

(8) the most prevalent use of fly ash is in transportation construction projects.

(b) USE OF FLY ASH.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a statement encouraging the beneficial use of fly ash in transportation construction projects (including transportation construction projects involving the use of asphalt) that are carried out, in whole or in part, using Federal funds.

**SA 1749.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 792, line 5, strike the end quote and insert the following:

“(3) EXCEPTION.—

“(A) IN GENERAL.—The Secretary may not extend the deadline under paragraph (1) with

respect to segments of track that the Secretary determines pose the greatest safety risk to the public and railroad employees, based upon the areas of track that have been identified in the entity’s positive train control implementation plan under section 236.1011(a)(4) of title 49, Code of Federal Regulations.

“(B) FACTORS.—In determining whether segments of track pose the greatest safety risk to the public and railroad employees, the Secretary shall consider the following factors with respect to such segments:

“(i) Traffic volume, including tonnage and number of trains.

“(ii) The presence of mixed passenger and freight traffic, and the frequency, separation, and direction of travel of such traffic.

“(iii) The amount of poisonous inhalation hazards and other hazardous materials.

“(iv) The permissible operating speeds.

“(v) Any topographical features that increase operational risks.

“(vi) The presence of technologies that reduce the risks, such as automatic cab signal, automatic train stop, or automatic train control systems.

“(vii) Any special operating procedures that will be utilized by the carrier to reduce risks.”.

**SA 1750.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 791, strike lines 14 through 25 and insert the following:

“(1) IN GENERAL.—After completing the report under subsection (d), the Secretary may, upon application, extend, in 1 year increments ending on or before December 31, 2018, the implementation deadline for an entity providing rail freight transportation or regularly scheduled intercity or commuter rail passenger transportation if the Secretary determines that—

“(A) full implementation is infeasible due to circumstances beyond the control of the entity;

“(B) the entity has demonstrated good faith in implementing its positive train control implementation plan;

“(C) the entity has taken the actions to mitigate risks to successful implementation that were identified by the Secretary in the Secretary’s 2012 report to Congress; and

“(D) the entity has presented a revised positive train control implementation plan describing how it will fully implement a positive train control system as soon as feasible, and not later than December 31, 2018.”.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before the Subcommittee on National Parks. The hearing will be held on Wednesday, March 7, 2012, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 2131, a bill to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor; and

S. 2133, a bill to reauthorize the America’s Agricultural Heritage Partnership in the State of Iowa.

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, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake\_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224-9863 or Jake McCook (202) 224-9313.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 15, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Indian Water Rights: Promoting the Negotiation and Implementation of Water Settlements in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

**AUTHORITIES FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 28, 2011, at 10 a.m. in room SH-216 of the Hart Senate Office Building.

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

**COMMITTEE ON ARMED SERVICES**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2012, at 9:30 a.m.

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

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2012, at 10 a.m., to conduct a hearing entitled “State of the Housing Market: Removing Barriers to Economic Recovery, Part II.”

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 28, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

## COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 28, 2012, at 2 p.m., to hold a hearing entitled, "National Security and Foreign Policy Priorities in the FY 2013 International Affairs Budget."

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

## COMMITTEE ON VETERANS' AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on February 28, 2012, to conduct a Joint hearing with the House Committee on Veterans' Affairs on the legislative presentation of the Disabled American Veterans. The Committee will meet in room 345 of the Cannon House Office Building beginning at 2:30 p.m.

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

## SELECT COMMITTEE ON INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 28, 2012, at 2:30 p.m.

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

## SUBCOMMITTEE ON WATER AND WILDLIFE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 28, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "Local Government Perspectives on Water Infrastructure."

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

## PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed the privilege of the floor for the duration of the debate on S. 1813: Harun Dogo, Avital Barnea, Elizabeth Snyder, Christopher Tausanovitch, Andrea Chapman, Amanda Bartmann, and Claire Green.

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

## AUTHORIZING THE TAKING OF A CHAMBER PHOTOGRAPH

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 381, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 381) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. 381) was agreed to, as follows:

## S. RES. 381

*Resolved*, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 20, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the nec-

essary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

ORDERS FOR WEDNESDAY,  
FEBRUARY 29, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, February 29, at 9:30 a.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 the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half hour and the majority controlling the second half; and that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill.

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

## PROGRAM

Mr. BENNET. Mr. President, tomorrow we will continue to work on a process to complete action on the surface transportation bill.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

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

There being no objection, the Senate, at 5:37 p.m., adjourned until Wednesday, February 29, 2012, at 9:30 a.m.