MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011—Continuing

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I guess I am a dissenter in this orgy of self-congratulation, and I want to explain why. And I may not object if I have a chance to explain why, but if I can’t explain, I have to object. So that is the choice. I either explain or object. I object not to the UC at this point, but to the self-congratulation that the majority is engaging in because they said they had such an “open process.” In fact, the refutation of that was best stated by the gentleman from Kentucky. He just said we have debated the whole government. Yes, we have—and very inappropriately.

To debate the whole government and to debate fundamental policy issues under the guise of a budget, under the constraints of a budget debate and not three, not a whole week, 2½ days so far. Maybe we will get a third day. We have dealt with the most fundamental questions. In the jurisdiction of the committee on which I serve, issues came up under great constraint. The reform bill of last year has been damaged by what was done here. Fortunately, it will never become law. And we want to tell us what is awful? Try standing here for the last 4 years and dealing with the most closed Congress—the last Congress, in fact, had more closed rules than any Congress in American history—and then to be lectured about what is a travesty itself a travesty. That’s the real travesty. That many closed rules, and you come down here and want to tell us what is awful? Try standing here for the last 4 years and dealing with closed rule, closed rule, no amendments. We’re not going to let you represent your people because we’re going to cram everything down. That’s a travesty. Let’s get on with the democratic process because that’s what it is when you get to hear from both sides. We heard from one side. We heard “travesty” several times, and now we’ll get back to the democratic process.

And with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GOHMERT. Mr. Speaker, I reserve the right to object because just to sit here and listen, after having spent the last 4 years dealing with the most closed Congress—the last Congress, in fact, had more closed rules than any Congress in American history—and then to be lectured about what is a travesty.

Mr. Speaker, I withdraw my reservation of objection.

LEGISLATIVE PROGRAM

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Now that we do have the UC in place, we intend

And the model of democracy. The next thing you know, they will be rioting in parts of the world so they can have 10 minutes per issue to debate fundamental issues.

This is a travesty. I very much objected to this procedure. My leadership, for which I have great respect, had asked me if they could go forward. I am prepared to allow that because of some conditions. One is that I am confident that this awful, distorted, ill-thought-out process has produced a bill that will never see the light of day. And by the way, no one should be surprised. We are now going to recess after we finish with all of these other parts of the government in 10 minutes per issue, or up to an hour for a couple of important ones, 20 minutes for some only moderately important ones.

The Senate will then get this with 4 days left before it expires. No one realistically thinks this is going to happen. So perhaps some of the constituencies were mollified by this show; but I want to stress again, this has been awful procedure.

The gentleman from Kentucky is right; we have debated the whole government, fundamental issues that go far beyond budgetary issues in 3½ days. We will have debated fundamental issues in 10 minutes. This is openness? This is a travesty of the democratic process.

So, Mr. Speaker, because I have been given a chance to explain why I think this is a terrible process, why I am going to say now I don’t expect the Senate to accept this. We will have to come back and do it again. There will have to be, I assume, a short-term extension.

I want to give notice now to all parties, I will object strenuously at every procedural opportunity to any effort to repeat this travesty.

So with respect to the ranking member and to the minority whip and to the minority leader and to others and to people who have worked so hard and to the poor long-suffering staff, yes, I will remove my reservation, and I will not object. Having made it clear, once the Senate gives this awful product an appropriate burial, I will not be a party to its resuscitation.

Mr. Speaker, I withdraw my reservation of objection.
to take up five amendments this evening, or on any future consideration of the bill, H.R. 1.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order which is at the desk.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 2. None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, we must explore for and develop the Arctic resources in an environmentally safe and sustainable manner, and we must allow that exploration work to proceed without bureaucratic impediments. This amendment accomplishes both.

This amendment would limit funds in the bill from being used by the Environmental Appeals Board, EAB, to invalidate any permit issued by the Environmental Protection Agency, EPA, for activities on the Arctic Outer Continental Shelf, OCS.

The EAB is an extension of the EPA that hears administrative appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EAB is populated by environmental appeals judges who are lawyers associated with EPA or the Justice Department. This amendment does not circumvent the EPA’s authority. Instead, it continues to give permitting decisions to the professionals in the regional office.

What this amendment will do is remove the ability for lawyers to overturn EPA permits. Over $4 billion has been invested in trying to drill exploratory wells, and to date not a single well has been drilled because of one EPA air permit.

Mr. Chairman, I must say, this is an example of how an aid agency is trying to issue the permits correctly, but they have a board that can listen to someone who objects to it that rules against them. And we have, in fact, had a little over 680 leases in the Arctic Ocean, oil that we need being held up by bureaucrats. We will do this safety. The air will be clean. They’re 80 miles from any human, other than those who work on these ships. And if you believe it’s right to buy this oil from overseas, shame on you.

Again, we are spending close to $40 billion this year or more buying foreign oil; 72 percent of our oil is coming from overseas. The right thing to do is allow us to take and explore and find out if that oil is there, and if it is, to develop it.

Remember, we’re not the only ones in the Arctic anymore. Iceland, Greenland, China, Russia are all drilling. We’re the only ones not involved; yet we have the best equipment, the best environmental wreckers in the Arctic. We have the proper equipment to do it safely. It’s being held up by bureaucrats who don’t want to issue the permits. EPA has said it’s all right, but the review board says, no, it’s not, within the agency itself. All it says, if they have the permit issued, then it should go forth, and let’s get on to serving this country as we should for the benefit of this Nation, for the benefit of those so we don’t have to go to war over in the Middle East over oil.

So if you don’t like what’s going on out there, this is your amendment. I believe it’s the correct thing.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, the gentleman’s amendment stops funding for—and I will quote—the Environmental Appeals Board to consider reviewing, remanding, or otherwise invalidating any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

Now, the gentleman has shared with us a specific situation, but his amendment goes considerably beyond that. The appeals board is the final decision-maker on administrative appeals under all major environmental statutes that the Environmental Protection Agency administers. It’s an impartial body, independent of all agency components outside the immediate office of the administrator. To support this amendment is to take away people’s right to petition their government. This is an impartial board that looks out for the regular citizen. In fact, they just took great care and ruled on the side of Alaskans and courageous ruled against EPA’s issuance of a permit to Shell Oil.

I thought the gentleman and his side of the aisle would take sincere joy in any decision ruling against EPA. But that’s not the case; apparently. I guess EPA is okay as long as it doesn’t use any Federal funds and rules exactly the way that you want them to. And, in fact, EPA did rule the way that the gentleman wants, it’s just that we have an appeals board. That appeals board is there for good reason, has been for some time.

I don’t have to tell the gentleman, but I think the other Members of this body should know that the Environmental Appeals Board found that EPA’s analysis of the effect on Alaskan Native communities of nitrogen dioxide emissions from the drilling ships was too limited, ordered the agency to redo the work. It doesn’t mean that they can’t drill. The analysis is incomplete. We should let that legal process work and stop interfering in long-standing regulatory and administrative processes. The amendment will be seen as an assault on the environment and an affront to the Alaskans who engaged in this case.

I’m disappointed that the gentleman’s position would appear to favor Big Oil over the small Alaskan villages that are being protected in this reconsideration. It doesn’t mean that there won’t be drilling; it simply means that the analysis to enable that drilling needs to be full and complete.

I urge defeat of the amendment and reserve the balance of my time, Mr. Chairman.
represent that State, not Alexandria, Virginia. And they’ve come to me and said we need it. I yield to the gentleman from Idaho, the chairman of the appropriations committee, Mr. SIMPSON.

Mr. SIMPSON. Beginning in 2005, the Shell Oil Company purchased leases in the Beaufort and the Chukchi Seas located within the Arctic Outer Continental Shelf. The company paid over $2.1 billion for these lease rights, a refection of the potentially vast resources off of Alaska’s coast.

Shell applied for air permits from the EPA for its Beaufort leases in 2006 and for the Chukchi in 2008. The company went through a lengthy and burdensome administrative process. Shell’s permits were initially approved, but subsequently overturned by the EPA’s Environmental Appeals Board. Last year, the Appropriations Committee addressed this problem by including language in the FY 2010 conference report specifically directing the agency to allocate sufficient funds and personnel to process the OCS permits in a timely manner. This simply did not happen. The company is effectively at square one after spending millions of dollars and thousands of man-hours.

Shell announced just this month that it had cancelled plans for drilling in the Arctic in the 2011 drilling season, which is a very short drilling season. They have spent millions on this and done everything by the book. And the appeals board has decided that because they should have foreseen that the rules were going to change, that they shouldn’t have issued these air permits.

I think it’s an overreach by the EPA and by the appeals board, and I support this amendment and would encourage my colleagues to do the same. Mr. MORAN. Mr. Chairman, I would underscore some points previously made.

Number one, we are not taking a position on Shell. This case may very well be, I would not be surprised, in fact, personally, that ultimately the drilling off the Arctic coast would be approved. But this is like taking a case to the district court. The district court agrees with you, and then the plaintiff appeals, goes to the appeals court. The appeals court disagrees or says that there needs to be more information. That’s exactly what this appeals board did. Now, presumably, this information is being gathered. It will be presented. And when it is, I don’t know why the appeals board would not agree with the EPA decision.

The problem with this amendment is we’re setting a precedent to say, if we don’t like the appeals board, like the district court decision, which is in this case EPA’s decision, then we accept EPA’s decision, ignore that appeals process. That’s what we’re opposed to. I yield to the gentleman from Alaska (Mr. YOUNG).

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have prevailed.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 324 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I rise as designee of the gentleman from Michigan (Mr. CONYERS) and I am pleased to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sect. 315. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881) for an order requiring the production of library circulation records, library patron lists, book sale records, or book customer lists.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment sponsored by Mr. CONYERS, Mr. PAUL, myself and Mr. JONES. The amendment would prohibit the use of any funds made available in this Act to make an application for what’s commonly known as a section 215 order requiring the production of library circulation records, library patron lists, book sale records or book customer lists. The amendment is very narrowly drawn to protect the privacy of all Americans from unwarranted governmental investigation in an area directly related to their beliefs and private thoughts.

What we read, where we read, what we listen to, our interests, the type of information we seek, our private tastes in art and music all tell a great deal about us. The right to be free from the prying eyes of government in these areas is absolutely necessary to protect our rights of free speech, religious liberty, the right to associate and political freedom. This amendment will not prevent the government from obtaining this type of information provided it obtains the constitutionally required warrant. What it will stop is the use of section 215 orders which are issued by the secret Foreign Intelligence Surveillance Court under standards so loose it is almost impossible for the government to get turned down, instead of the normal warrant. In fact, the secret court has become a virtual rubber stamp for the government.

The amendment also will not stop the use of section 215 orders in other investigations such as surveillance of computer communications, even if conducted in libraries. Section 215 authorizes the government to obtain “any tangible thing” so long as the government provides a “statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence or an international terrorism or espionage investigation.”

This would include business records, library records, tax records, educational records, medical records. Before the enactment of section 215, only specific types of records were subject to the orders issued by the secret court, and the government had to show specific and articulable facts giving reasonable ground to believe that the person to whom the record pertains is a foreign power or an agent of a foreign power.” In other words, specific reason to believe that the person you were talking about is either a foreign agent or a terrorist.

This dragnet approach of section 215, which does not need those specific facts, allows the government to review personal records even if there is no reason to believe that the individual involved has anything to do with terrorism. This poses a threat to individual rights in the most sensitive area of our lives with little restraint on the Congress.

Of course Congress has decided to extend the life of section 215 that does all these things for the next few months, during which I hope we can take a closer look at it and, if not reform it, then do away with it, I think it entirely inappropriate for us to provide some reasonable protection for these very limited and sensitive areas and in effect cutting out library records from the section 215 extension that we just voted.

Do not believe the scare tactics that this amendment might impede investigations and might make us vulnerable to terrorism. The government has many tools with which to investigate terrorism and other types of wrongdoing. In fact, section 215 is rarely used. Search warrants and other investigative tools would still be available to the government. But in any event, most of section 215 is unaffected by this amendment and will continue. This amendment pertains only to library records.

When we last considered this amendment a number of years ago, it passed
this House overwhelmingly with bipartisan support. Today, Representative Conyers and I offer it with two Repub-
lican colleagues, the gentleman from Texas (Mr. Paul) and the gentleman from North Carolina (Mr. Jones). I
urge my colleagues to support this amendment dealing only with the li-
brary records aspect of section 215.
I reserve the balance of my time.
Mr. WOLF. Mr. Chair, I rise in opposi-
tion to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. As the gentleman from New York knows, Congress is consid-
tering temporary extension of the same Patriot Act authorities that are tar-
ged in this amendment.

The reauthorization process, not in this CR, is the proper venue to consider any changes to existing intelligence-
gathering laws. Applications for FISA orders seeking library circulation records and book sales records may only be approved by the Director of the Federal Bureau of Investigation, the Deputy Bureau of the Federal Bureau of Investigation, or the Executive As-
sistant Director for National Security. This authority cannot be further dele-
gated.

There is absolutely no evidence that this authority has been abused or mis-
used to unlawfully acquire library or business records.

This prohibition could create a safe haven for terrorists to utilize Amer-
ica’s libraries and bookstores to con-
duct research or communicate with each other. I urge my colleagues to vote “no.”

I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from New York has 1 minute remain-
ing.

Mr. NADLER. I will yield the 1 minute to the gentleman from Pennsyl-
vania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentle-
man from New York, and I thank the chairman of the subcommittee.

As the ranking member on the Sub-
committee on Commerce and Justice, I
rise in support of this amendment. I
think that the prohibition is an appro-
 priate one. It’s a specific carve-out for
library records related to American citizens.

These records still would be available under a warrant properly petitioned for and received through the secret court that handles these matters. But this would take away this administrative procedure which has been rarely used. And I agree with the gentleman from Virginia, there’s no reason to believe that it would be abused in any way.

The real point here is that we as Americans find that our right to pri-
vacy, and particularly as relates to the library records, is violated— that we do not have a circumstance that we have a fishing expedition by law en-
forcement.

So I support the prohibition amend-
ment. And it did pass before by bipar-
tisan vote; it’s offered on a bipartisan basis, and I hope that the House favor-
ably considers it.

Mr. WOLF. Mr. Chair, I urge a “no” vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentle-
man from New York (Mr. NADLER).

The question was taken; and the Act-
ing Chair pronounced that the noes ap-
peared to have it.

Mr. NADLER. Mr. Chairman, I de-
mand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-
ceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

Sec. None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad:

international military education and training (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Author-
ization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

The Acting CHAIR. Pursuant to the order of the House of today, the gen-
tleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, in 2008, this body passed the Child Sol-
 diers Prevention Act. It was part of the

Patriot Act authorities that are tar-
ged. In this CR, is the proper venue to consider temporary extension of the same

Patriot Act authorities that are tar-
ged.

Mr. Chairman, several years ago I was in several countries and I was given the opportunity to visit the interior part of that country as well. Liberia had gone through a devastating civil war, and this particular area we were in had been caught in a very bad crossfire be-
tween rebel groups, and I was invited to visit a mission school that was run by a British Catholic priest.

As we entered the compound, the beautiful children came out and sang us a song and greeted us. And this priest told us that during the worst part of the war, he himself had been ab-
ducted, his children had been left unatt-
ended, and many had died of starva-
tion. He showed me the mass grave.

But he also asked me to spend a few more minutes with him. We went to a classroom and he discretely pulled two young boys out of that classroom. He told me they had been child soldiers. One had been shot in the hip. The other had had his father killed while he was standing next to him. Both of the boys were withdrawn. They wouldn’t look me in the eye. Clearly they were deeply wounded. But this priest wanted to thank me and to thank the American people for providing a little bit of as-
istance to him to help integrate these children back to some degree of nor-
malcy.

So which way are we going to have it? We need to be consistent. On one side of the hallway we have a very good program to help heal those who have been victimized by child soldiers, but on the other side we are aiding a gov-
ernment that is not stopping this per-
nicious practice.

William Wilberforce, the British statesman and unyielding abolitionist, for whom our antihuman trafficking law is named, said this: “You may
choose to look the other way, but you can never say again that you did not know."

Mr. Chairman, we must make it clear to the government of Chad that we now know, and we cannot look the other way.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to commend the gentleman for his outstanding work on this important issue. We want the gentleman to know that we are prepared on our side to accept his amendment.

Mr. FORTENBERRY. I appreciate that. Thank you for the kind words.

Mr. CARTER. If the gentleman will yield, we also will accept the amendment.

Mr. FORTENBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sect. ... The amounts otherwise provided for by this Act are revised by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training”; by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by reducing the amount made available for “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training”; by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by $14,000,000, by $14,000,000, and by $52,000,000, respectively.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.

Mr. HASTINGS of Florida. Mr. Chairman, this is the full year continuing appropriations act which would help people living with HIV/AIDS who cannot afford their treatment by reallocating funding to our Nation’s AIDS Drug Assistance Program.

It is unconscionable that, in 2011, we often have the resources to save lives but wait until a crisis before taking action. Just this month, thousands of Floridians living with HIV/AIDS were on the verge of losing access to their lifesaving drugs as Florida’s ADAP ran out of money.

Current funding levels for ADAP are unsustainable. Due to state budget cuts and an increase in the number of individuals who rely on ADAP for HIV/AIDS-related drugs, 60 states, including Florida, have had to create ADAP waiting lists and cut services.

As of February 3, my home state of Florida has accounted for over half of the 6,001 individuals on ADAP waiting lists nationwide (3,085 individuals). In fact, Florida has the third-highest HIV/AIDS population in the country and the highest rate of new infections.

Ensuring access to treatment remains key to combating HIV/AIDS. Antiretroviral drugs can increase the life expectancy of a person living with HIV/AIDS by at least 24 years. When incorporated into comprehensive strategies, antiretroviral drugs can also help reduce the spread of HIV by up to 92 percent. Currently, the lifetime cost of living with HIV/AIDS is $681,900. If we do not take action now, the future costs of HIV/AIDS will amount to $121.2 billion per year, with drugs making up 70 percent of the cost. We cannot afford to turn a blind eye to this crisis; the costs are simply too high.

My amendment reallocates $14 million from each of the Fiscal Year (FY) 2011 administrative budgets of the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and National Institutes of Health (NIH) in order to provide $42 million to ADAP.

According to the Congressional Budget Office, if enacted, my amendment would save $1 million in new FY 2011 expenditures. Furthermore, it would have no net budget authority effect for FY 2011.

Mr. Chairman, we can and must do better. I urge my colleagues to support increased funding for our nation’s ADAP by voting in favor of my amendment.

By reallocating desperately-needed funds to ADAP, we are helping states like Florida ensure that low-income individuals living with HIV/AIDS have access to the medications and services they need to stay alive while stemming the tide of new infections and saving our nation’s money in the long-term.

Mr. Chairman, I am pleased at this time to yield 1½ minutes to my distinguished colleague and very good friend from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I rise today in support of Amendment 22 offered by Mr. HASTINGS, my good friend from Florida, which would help people living with HIV/AIDS afford treatment through the vital AIDS Drug Assistance Program. This program, known as ADAP, provides HIV-related prescription drugs to low-income people with HIV/AIDS who have limited or no prescription drug coverage.

This essential national program is underfunded and on the brink of a devastating funding crisis. The combination of an economic recession, State budget cuts, and increased testing and diagnosis of HIV have created the perfect storm against ADAP’s fiscal situation. Requiring people struggling with HIV/AIDS to forgo ADAP treatment as the program has been emptied out. This has resulted in drastic cuts in services provided and thousands in 10 different States have ended up on waiting lists to receive these necessary lifesaving drugs.

In my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to antiretroviral treatment. Our State has lowered financial eligibility down to 300 percent of the Federal poverty level, while at the same time reducing the formulary for the patients who can still qualify.

This is an enormous problem for a State with the highest HIV/AIDS population and the highest rate of new infections in the country. You may be shocked to know that the new infection rate in south Florida is higher than in Africa. We cannot let this happen in our own backyard to our neighbors and our constituents.

Though our administration has demonstrated that funding ADAP is a priority, we must do more to help. This amendment would help give the ADAP program a much-needed boost and help thousands of patients continue the treatment they so desperately need.

In this budgetary climate, we must make smart and sensible decisions. Where we can afford to make an administrative haircut, preservation of critical services is vital. Though our administration has demonstrated that funding ADAP is a priority, we must do more to help. This amendment would give the ADAP program a much-needed boost and help thousands of patients continue the treatment they so desperately need.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

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I rise today in support of Amendment 22 offered by Mr. HASTINGS, my good friend from Florida, which would help people living with HIV/AIDS afford treatment through the vital AIDS Drug Assistance Program. This program, known as ADAP, provides HIV-related prescription drugs to low-income people with HIV/AIDS who have limited or no prescription drug coverage.

This essential national program is underfunded and on the brink of a devastating funding crisis. The combination of an economic recession, State budget cuts, and increased testing and diagnosis of HIV have created the perfect storm against ADAP’s fiscal situation. Requiring people struggling with HIV/AIDS to forgo ADAP treatment as the program has been emptied out. This has resulted in drastic cuts in services provided and thousands in 10 different States have ended up on waiting lists to receive these necessary lifesaving drugs.

In my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to antiretroviral treatment. Our State has lowered financial eligibility down to 300 percent of the Federal poverty level, while at the same time reducing the formulary for the patients who can still qualify.

This is an enormous problem for a State with the highest HIV/AIDS population and the highest rate of new infections in the country. You may be shocked to know that the new infection rate in south Florida is higher than in Africa. We cannot let this happen in our own backyard to our neighbors and our constituents.

Though our administration has demonstrated that funding ADAP is a priority, we must do more to help. This amendment would give the ADAP program a much-needed boost and help thousands of patients continue the treatment they so desperately need.

In this budgetary climate, we must make smart and sensible decisions. Where we can afford to make an administrative haircut, preservation of critical services is vital. Though our administration has demonstrated that funding ADAP is a priority, we must do more to help. This amendment would give the ADAP program a much-needed boost and help thousands of patients continue the treatment they so desperately need.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.
put on that waiting list in 1 month in 2010.

Improving access to care is a priority for me and my colleagues, but this amendment is one that attempts to correct a piece of legislation that is not sustainable. It simply cannot rob Peter to pay Paul.

This amendment will pull important resources from two accounts that the Republicans have already decimated that are critical to the public health of our country: the CDC, Centers for Disease Control, and the National Institutes of Health. I therefore encourage my colleagues from Florida to work with me to defeat this reckless continuing resolution rather than amend a bill that is beyond repair.

Mr. CARTER. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. CARTER. We have no objection to this amendment and are prepared to accept the amendment.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 466 OFFERED BY MR. POE OF TEXAS

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sec. 108. None of the funds made available by this Act may be used for or in sterilization campaigns.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman’s amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, recently a woman came to my children’s school to talk about the healing power of art. She was a survivor of the 1994 Rwandan genocide when nearly 1 million people were mercilessly hunted, hacked and killed.

Now let’s fast forward to the year 2007. In an ironic twist, Rwanda’s President Kagame expressed his interest in reducing the number of births in children in that country by 50 percent. In recent weeks, confusing reports have surfaced as to whether the Rwandan Government had launched a campaign setting a target for the hundreds of thousands of sterilizations. While the reports which implied possible complicity of U.S.-funded organizations were subsequently dismissed, the concerns they raised are very real. Let’s note China’s one-child policy, or Fujimori’s Peru.

Mr. Chairman, the United States should be a champion for human dignity, and yet, sadly, we have our own surgical sterilization campaigns. In 1924, the State of Virginia passed what was called the Racial Integrity Act, which remained intact well into my own lifetime, until it was overturned by the Supreme Court.

I think the title “The Racial Integrity Act” speaks for itself; legislation so outrageous that then-Governor WARNER, now Senator WARNER, issued a statement of apology in 2002 saying, “We must remember the Commonwealth’s past mistakes in order to prevent them from recurring.”

Mr. Chairman, this is a proscriptive amendment, which I believe is consistent with current law, that seeks to prevent human rights abuse, that just says, No, we will not return to this shameful past, nor will we impose it on other people in other places with America’s tax dollars.

This amendment, I believe, is a reasonable application and extension of the current law. It is important because sterilization campaigns involving a subtle element of real or perceived moral suasion directed at vulnerable individuals can easily blur the distinction between what is voluntary and involuntary. The question here is whether to take hard-earned taxpayer dollars and apply them in these campaigns—aggressive outreach efforts—to sterilize persons.

Mr. Chairman, while I recognize that this amendment has been ruled out of order, I do believe it is a reasonable application and extension of current law. However, I will accept the judgment of the Chair and withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 468 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sec. 108. None of the funds made available by this Act may be used for or in sterilization campaigns.

This amendment will rein them in and requires any sterilization to be voluntary and approved by the person of his or her own free will.

This amendment will put an end to any backdoor attempt made by the EPA to regulate greenhouse gases to go around Congress and circumvent the will of the people. Americans have rejected this policy. Despite being rejected by Congress, the administration has ignored the will of the people and the law to further some political agenda.

It’s absolutely necessary that Congress take immediate action to ensure that the EPA does not continue to destroy industry across the board in our country. We’re in the midst of a massive economic downturn, and the last thing we need to do is to shoot ourselves in the foot with unnecessary, expensive new regulations that are on business and industry, not to mention Americans will be left holding the bag.

Past attempts to regulate greenhouse gases would cost consumers up to $20 billion a year, the equivalent of hiking personal income taxes up about 15 percent, or cost each American household an extra $1,700.

This amendment, section 1746 of the CR, says that none of the funds made available to the EPA are to be used to enforce or promulgate any regulation relating to State limitation plan or permits. Further, amendment No. 466 takes the CR a step further, prohibiting the EPA from enforcing national regulation of greenhouse gases similar to the cap-and-trade regulation.

This amendment basically prohibits the EPA from overregulating not only the State of Texas but the rest of the States regarding greenhouse gases. Probably no Member of Congress represents more refineries than I do in southeast Texas; and the regulatory process, the overregulation of the EPA continues and will and trying to now regulate the State of Texas regarding greenhouse gases is a deterrent to the industry. The State of Texas regulates greenhouse gases. The State of Texas regulates the industry. It has done a great job. This is out on the part of the EPA. And it’s time for the EPA not to put industry out of business and put the refinery industry out of business.

This amendment will rein them in and prohibit them from implementing the so-called cap-and-trade philosophy on States such as Texas and other States.
move—take steps moving forward in 2011.” Mrs. McCarthy told reporters on a conference call last week about the agency’s “performance standards” for oil refineries, power plants, cement manufacturers, and other such CO2-heavy facilities.

“It’s way too early in the game right now to be talking about what we think the standards are going to be and how we’re going to comply helpfully. Today’s announcement is just the fact we’re going to move to those standards.”

This and other permitting uncertainties have brought major projects in the U.S. to a standstill. The Texas takeover in particular is pure political revenge and an effort to intimidate other states from filing Texas-style lawsuits. The reason states are supposed to run the clean-air process is that local regulators have the staff, capacity and expertise that Washington lacks. When the carbon rules eventually are issued, that means the takeover will extend the current moratorium even longer in Texas.

The EPA concedes that some 167 current projects will be affected, and many more in the future. Our guess is that all of them will be delayed for years and many will simply die. This is not a politically driven bureaucracy that wants to impose by illegal diktat the anticarbon, anti-fossil fuel agenda that the Obama Administration has been unable to gain a public mandate for.

With that, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, this entire bill, this CR, is replete with amendment after amendment targeting the public’s health and the environment. This is one of the worst, at least in its intent. As a practical matter, it’s not clear why this amendment is being offered, really, as it appears to duplicate section 1746 of the underlying bill. But a similar amendment is truly radical attempts to stop the Environmental Protection Agency from doing its job of protecting the health and welfare of every American.

This particular amendment would bar EPA from addressing carbon pollution, period—pollution which seriously endangers public health and the environment. It not only guts the Clean Air Act, but it also imposes a job-destroying construction ban on jobs in all or parts of at least 13 States. And without permits, construction cannot proceed. So a vote for the Poe amendment would be a vote not only against the Clean Air Act, it is a vote for a de facto construction ban. Thousands of jobs lost in States across this country. That’s why we very strongly oppose the Poe amendment. We do support EPA’s authority to cut carbon pollution and allow the construction of energy-efficient power plants, refineries and other facilities to proceed as planned.

I reserve the balance of my time.

Mr. POE of Texas. Contrary to what the gentleman says, in the State of Texas, the power plants, the refineries are already being regulated. They’re being regulated by the State of Texas. And unless this amendment passes, the refineries, those that I represent probably more than any person in the United States—this new added burden by the EPA coming in will make those at the refineries lose their jobs. The amendment makes a good job of trying to close down the oil industry in the Gulf of Mexico by not lifting the permitting process. Now the
administration with this requirement, contrary to the law of Congress, since Congress has not passed a cap-and-trade philosophy, will put those refineries and workers at harm, and they will lose their jobs because of the new EPA regulatory process that is not necessary.

With that, I yield as much time as he wishes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

I rise in support of this amendment. I disagree with my friend across the aisle. I don’t believe this amendment will be a job killer. I believe it will be a job protector. But more so, it’s a faith protector in the opportunity to have a job.

When we were debating in Congress this very issue of cap and trade, back home where I live and all across the State of Texas and in other parts of the country where I was privileged to travel, people were asking, Please, are they really going to impose this crazy legislation upon us at the cost of our jobs and jack up the cost of our energy?

A lot of small businesses said, I don’t know what to do, because this thing is looming out there. Is it law? Is it real? I have the feeling it’s going to put me out of business because I’m not going to be able to afford the disastrous cost it’s going to take to keep me in operation. These are just small business owners.

Meanwhile, those in the refining and power industries looked at this thing and said, Good Lord, what is this going to do to us? How many people are we going to be able to keep on? And who are we going to have to lay off so we can meet these onerous requirements?

And the people of the United States and this Congress basically said no to the President and no to the Democratic majority of the last few years. So the result was a sigh of relief, not only in my hometown but in hometowns across America; a sigh of relief, because they looked at this thing and said, This doesn’t make sense. They’re trying to regulate the air we breathe. It just shocks people as to what it might do to their cost.

Now I just came tonight to ask one question, a very simple question, the question everybody in my district has been asking me. What is it about the Republican Party?

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORA is the premier expert on the issue of air pollution.

Mr. INSLEE asked and was given permission to revise and extend his remarks.

Mr. INSLEE. Mr. Chair, anyone who has ever seen a child gasping for breath due to a persistent asthma problem, which are most of us in America, should be adamantly opposed to this amendment, because it would strip the legal right and obligation of Uncle Sam to protect our children’s right to breathe.

Now I just heard something incredible from one of my Republican colleagues. They said they were astounded at the prospect that Uncle Sam has that responsibility. Well, you know we’ve had that responsibility for 40 years. Under the guidance of the idea of Teddy Roosevelt and Republican Richard Nixon, we adopted the Clean Air Act. It was the Republican Party on their own initiative, who by a 2-to-1 margin, and they’re opposed to it for several reasons.

Number one, Republicans and Democrats both believe we have a legal obligation to follow the Clean Air Act; a legal obligation to follow the EPA from doing its job. Americans oppose tonight this Republican effort to stop EPA from doing its job. Americans know today we are in a race for job creation, and that race is with China.

The Acting Chair. The time of the gentleman has expired.

Mr. MORAN. I yield the gentleman an additional minute.

Mr. INSLEE. The fact of the matter is Americans know we are in a race today for job creation, and that is a race with China to find out who is going to sell the products and who is going to have the jobs in electric cars, in solar panels, in wind turbines, in efficiency, in electric charging stations, and in new efficiencies to make our homes and businesses run more efficiently. And tonight the Chinese are laughing at us, that the Republicans would come here and take the pedal off the metal, which is the EPA, to try to drive investment to these new clean energy sources.

These are the jobs of the future. If we’re going to have these jobs of the future, we have to start moving off of the polluting and accepting this pollution. We have to get in this global game. And if we get in this global game, we’re going to win. The reason we’re going to win is we’re the country that went to the Moon, and we are the country with the innovative talent and the creative spirit and the business people that can grow these nonpolluting industries. But not if the Republicans get their way and just let pollution continue.

Let’s reject this flawed attempt to gut the Clean Air Act.

Mr. MORA. Mr. Chair, I reserve the balance of my time.

Mr. POE of Texas. Mr. Chair, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), who knows as much about the Clean Air Act as anybody.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

Mr. BARTON of Texas. So much to say, so little time to say it. First, let me point out that CO₂, the greenhouse gas that is most under discussion, is not a pollutant under the classical definition of the
Clean Air Act. I am creating CO₂ as I
speak. The gentleman from Wash-
ington, who was just speaking, as he
spoke, was creating CO₂. If you have a
carbonated beverage, the reason it bub-
bles and it is called “carbonated” is be-
due to CO₂. Greenhouse gases are nec-
sary to life. They keep the planet warm.
They’re what trap heat so we have an atmosphere
that we can exist in.

There is not a definition of a health exposure
to CO₂. The theory that CO₂ is
harmful is a theory that the amount of greenhouse gases, spe-
cifically CO₂, in the upper atmosphere, as it
increases, so many parts per billion somehow affect the ability of the Earth
to accumulate or dispense heat. It is a
theory. There is nobody in this country
or anywhere in the world who has been
harmful because of manmade CO₂. You
cannot point to cases of manmade CO₂.

So, when my friends who oppose this
amendment talk about carbon pollu-
tion, there is a definition that is
very loose and very nebulous.

The second point is that there is no
question that the Clean Air Act, as
passed and as amended in 1990, did not
include CO₂ as a criterion pollutant.
Because Massachusetts vs. EPA, the Supreme Court ruled—and
my friend from Washington was cor-
rect—5–4 that the EPA could make a
decision to regulate CO₂. Could—not
should, not must—but could.

The administration began a
process to analyze that decision. The Obama administration came in, and
within the first 90 days, issued an
endangerment finding, not based on
independent analysis, but based more
on press releases as far as I can say.
They said, yes, by golly, that CO₂
was a pollutant and that, yes, they could
regulate it. They have since been try-
ing to shoehorn CO₂ regulation into the
tenets of the original Clean Air Act.

The time before the time before the time of this evening that Mr. Poe, Mr. Carter, and
I have promulgated simply says: Let’s
take a timeout on CO₂ regulation for the
next 7 months. Let’s actually de-
fine what the greenhouse gases are
that we want to look at, and let’s re-
strict the analysis to stationary sources on the regulations that are
implemented after January 2011.

The Acting CHAIR. The time of the
gentleman has expired.

Mr. POE of Texas. I yield the
gentleman another 20 seconds.

Mr. BARTON of Texas. There is no
question that if you regulate CO₂ under
the Clean Air Act you are going to de-
stroy millions of jobs, which will cost hundreds of billions of dollars, without
any real economic analysis to show
that it is a harm.

So I support the Poe-Carter-Barton
amendment, and I hope that the whole
House will.

Mr. COHEN of Texas. I reserve the bal-
ance of my time.

Mr. MORAN. Mr. Chairman, there are
actually a couple of points that I would
share with the gentleman who had been
the ranking member and who is now
the senior member of the Energy and
Commerce Committee.

The committee could pass legislation
if they chose. I don’t think this is the
correct vehicle, a continuing resolu-
tion on funding activities, to be mak-
ing law with regard to the Clean Air Act.

Secondly, as Mr. INSLEE informs me,
the 5–4 decision of the Supreme Court
said if you can show that there is an
adverse health effect, then EPA is re-
sponsible to address that. That’s
what EPA is trying to do. That’s what
this amendment would prevent EPA
doing.

Now, it is not theory. Climate change
is fact. It is real. Future generations
will look back upon this generation
and will wonder, how could our parents
and grandparents have been so unmind-
ful of the health effects that our fami-
lies are experiencing.

The Acting CHAIR. The time of the
gentleman has expired.

Mr. BARTON of Texas. Mr. Chairman,
I ask unanimous consent to ex-
tend for 30 seconds the remaining time
on both sides.

The Acting CHAIR. Is there objection
to the request of the gentleman from Texas?

There was no objection.

Mr. MORAN. That is certainly fair. I
thank the gentleman.

Mr. Chairman, there is an ongoing
discussion as to theory and fact. We
are convinced that the facts are there.
They are science-driven facts. In fact,
the melting of the polar ice cap has had
a direct effect upon the concentration
of moisture in the atmosphere, which
is then causing the volatility; the ex-
treme nature of the snowstorms, the
flooding, even the droughts that we
have been experiencing. There is no
question but that in the last decade we
have had the warmest years on record.

The gentleman, but this is not the
vehicle in which they should be de-
bated and at 1 a.m. in the morning. I
just simply would urge that we defeat
this amendment. It is the wrong
amendment and the wrong vehicle.

The Acting CHAIR. The time of the
gentleman has again expired.

The gentleman from Texas has 45
seconds remaining.

Mr. POE of Texas. It is my under-
standing that the committee is going
to move a stand-alone bill in the next
few months on the very issue of CO₂.

Mr. Chairman, this amendment is
very simple. It prohibits the EPA from
overreaching and from expanding its
authority that Congress, in my opin-
ion, has not given it to do. CO₂. We all
breathe CO₂. Climate changes, but
there is no evidence at all that it is
manmade CO₂ that causes the climate
to change. The climate has been chang-
ing, well, for thousands and thousands
of years.

I urge my fellow Members of this
House to support this amendment to
rein in the oppressiveness of the EPA.
States like Texas already regulate the
air through their State regulatory
processes, so I ask that all Members
support amendment No. 466.

Mr. POE of Texas. I yield back the
balance of my time.

The Acting CHAIR. The question is
on the amendment offered by the
gentleman from Texas (Mr. Poe).

The question was taken; and the Act-
ing Chair announced that the ayes ap-
ppeared to have it.

Mr. POE of Texas. Mr. Chairman, I
demand a recorded vote.

The Acting CHAIR. Pursuant to
clause 6 of rule xviii, further pro-
ceedings on the amendment offered by
the gentleman from Texas will be post-
poned.

Mr. CARTER. Mr. Chairman, I move
that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose;
and the Speaker pro tempore (Mr.
SIMPSON) having assumed the chair,
Mr. GINGREY of Georgia, Acting Chair
of the Committee of the Whole
House on the State of the Union, reported
that Committee, having had under
consideration the bill (H.R. 1) mak-
ing appropriations for the Department
of Defense and the other departments and
agencies of the Government for the fis-
cal year ending September 30, 2011, and
for other purposes, had come to no res-
olution thereon.
submitting the Rules of the Permanent Select Committee on Intelligence for printing in the Congressional Record. On February 9, 2011, the Committee adopted these rules by recove, vote with a quorum present.

Sincerely,

Mike Rogers,
Chairman.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES HOUSE OF REPRESENTATIVES, 112TH CONGRESS

1. MEETING DAY

Regular Meeting Day for the Full Committee may be the first Thursday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time, place, and subject matter of the meeting, and shall be made consistent with the provisions of clause 2(g)(3) of House Rule XI.

(b) As provided in subsection (d), a Committee hearing may not commence earlier than one week after such notice.

(c) Business Meetings. Except as provided in subsection (d), a Committee business meeting may not commence earlier than the third day on which Members have notice thereof.

(d) Exception. A hearing or business meeting may begin sooner than otherwise specified in either of the following circumstances (in which case the Chair shall provide the notice at the earliest possible time):

(1) the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause; or

(2) the Committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

(e) Definition. For purposes of this rule, "notice" means:

(1) verification by facsimile transmission, regular mail, or electronic mail.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall provide Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee members in preparation for such meeting; and

(2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials. A briefing shall, at the request of a member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof of business including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if the Chair determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) Endanger national security;

(2) Compromise sensitive law enforcement information;

(3) Tend to defame, degrade, or incriminate any person; or

(4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a quorum is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members may offer amendments. Except as provided in subsection (d), the Committee shall be governed by the provisions of clause (2)(a) of House Rule XI.

(b) Availability of Record Votes on Committee Proceedings. The Chair may administer the oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(c) Administration of Oath or Affirmation. Unless otherwise determined, a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Proceedings. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a Committee hearing, briefings, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record votes shall include an unredacted description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting against, such amendment, motion, order, or proposition, the names of those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally. Creation of subcommittees shall be by majority vote of the Committee.

(b) Subcommittee Chair. Subcommittees shall be assigned with such legislation and oversight of programs and policies as the Committee may direct.

(c) Subcommittees shall be governed by these rules.

(d) Exceptions. For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Unless otherwise determined, witnesses shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

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(d) Availability of Record Votes on Committee Proceedings. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a Committee hearing, briefings, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record votes shall include an unredacted description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting against, such amendment, motion, order, or proposition, the names of those members of the Committee present but not voting.

(d) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Proceedings. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a Committee hearing, briefings, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record votes shall include an unredacted description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting against, such amendment, motion, order, or proposition, the names of those members of the Committee present but not voting.

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and professionally at all times in their dealings with the Committee. 
(A) A majority of members of the Committee may, from time to time, at the request of, the Committee, members and Committee Staff from any source; or
(B) The production of memoranda, documents, records, or any other tangible items.
(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witness.
(D) Any questions arising with respect to such corrections shall be decided by the Chair.
(E) Copy of the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is: subsequently quoted or intended to be subsequently quoted or intended to be made available to the public of the name of any witness scheduled to be heard by the Committee.
(F) The production of memoranda, documents, records, or any other tangible items.
(G) Any questions arising with respect to such requests.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE
(a) Prohibition.
(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and the Committee Staff shall not at any time, either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:
(A) The classified substance of the work of the Committee;
(B) Any information received by the Committee in executive session;
(C) Any classified information received by the Committee from any source; or
(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.
(b) Non-Disclosure in Proceedings.
(1) Generally. The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House shall be held in contempt; and
(2) The Committee has met and considered the contempt allegations;
(3) The subject of the allegations was afforded an opportunity to state either in writing or in person that she or she should not be held in contempt; and
(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

11. COMMITTEE STAFF
(a) Definition. For the purpose of these rules, “Committee Staff” or “Staff of the Committee” means:
(1) Employees of the Committee;
(2) Consultants to the Committee;
(3) Employees of other Government agencies detailed to the Committee; or
(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.
(b) Appointment of Committee Staff and Security Clearance Requirements.
(1) Chair’s Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair. 

2. Staff Assistance to Minority Membership.
Except as provided in paragraphs (3) and (4) of this subsection, any employee of the Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

3. Release of Name of Witness.
(a) A request to appear personally before the Committee from any witness appearing before the Committee, in writing:
(1) A request to appear personally before the Committee to testify; or
(2) A sworn statement of facts relevant to the testimony, evidence, or commentary; or
(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

10. SUBPOENAS
(a) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or the Committee, may be served by any person designated to do so by the Chair.
(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee, or the Committee, may include:
(1) The attendance of witnesses and testimony before the Committee; or
(2) The production of memoranda, documents, records, or any other tangible item.
(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee, or the Committee, may be signed by the Chair, or by any member of the Committee designated to do so by the Committee.
shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(b) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose to other members described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Armed Services and staff of those committees designated by the chairmen of those committees; and,

(iii) The chair and ranking minority member of the Defense subcommittee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee, or Members of that subcommittee designated by the Chair pursuant to clause (g)(1) of Committee Rule 12.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information that relates to the execution of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees, as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee, Committees with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of the Defense Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible misconduct by other intelligence community entities conducted before the Committee, or that are otherwise relevant to the Inspector General’s investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testifies, presented information to the Committee, or was present during the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(4) Records of Closed Proceedings. Any records or notes taken by any person memorializing material otherwise prohibited from disclosure by members of the Committee and Committee staff under these rules, including information received in executive session and any hearing or briefing that was closed to the public, shall remain Committee material subject to these rules and may not be publicly discussed, disclosed, or copied, except as authorized by the Committee consistent with these rules.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff, agree in writing as a condition of employment, not to disclose any classified information which comes into such person’s possession while a member of the Committee Staff, to any person not a member of the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determinations by the Chair of the Committee Staff and the Committee regarding classified information received while a member of the Committee or as Committee Staff.

(3) Request for Testimony Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony involving classified information received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to all applicable rules governing information classified for the protection of intelligence sources and methods.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations as designated by the Committee.

(5) Examination of Classified Materials. Classified documents in the Committee’s possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee’s offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee’s offices in furtherance of official Committee business. Appropriate clearance and access control procedures shall govern the handling of any classified documents removed from the Committee’s offices.

(8) Access to Classified Information. By members of the Committee or as Committee Staff, shall at all times have access to all classified papers and other material received by the Committee from any source.

(9) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict need-to-know basis, as determined by the Committee, and under the Committee’s direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be taken:

“I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of official duties on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.”

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the Executive Branch that remain in the possession of the Committee; and,

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to classified transcripts, records, data, charts, or files of the Committee, and be admitted on a
non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner: (1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee. Such notification shall state with specificity the justification for the request and the need for access.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought.

(B) The likelihood of its being directly or indirectly disclosed.

(C) Other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the member’s request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or in part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the member;

(D) Making the requested information or material available to all members of the House;

(E) Requirements for Access by Non-Committee Members. Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Committee or the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(4) Consultation Authorized. When considering a member’s request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(5) Staff Director’s Additional Authority. Notwithstanding the provisions of subsection (f), the Chair may admit no more than three designated Members of the Committee on Defense of the Committee on Appropriations to classified hearings and briefings of the Committee involving discussions of classified material. Such Members may also be granted access to classified records, data, papers, or files of the Committee incident to such attendance.

(1) Designation. The Chair may designate three Members of the Subcommittee to be eligible for admission in consultation with the Ranking Minority Member, of whom not more than two may be ex-officio Members of the Committee. Such designation shall be effective for the entire Congress.

(2) Admission. The Committee may determine whether to admit designated Members at each hearing or briefing of the Committee involving discussions of classified material. The Committee shall notify the designated Members to a particular hearing or briefing, all of whom designated Members shall be admitted to that hearing or briefing. Designated Members shall be designated for quorum purposes and shall not have a vote in any meeting.

(3) Requirements for Access. Prior to being given access to classified information pursuant to this subsection, a designated Member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Committee or the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(4) Availability of Information to Other Committees. Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or subcommittee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee’s possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of such other official:

(i) Reasonable Opportunity to Examine Materials. Before the Committee makes any decision as to granting or denying access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee’s possession that may inform their decision.

(j) Notification to the House. The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, or when, for any reason, the Committee finds compelling.

(k) Method of Disclosure to the House. The Committee shall make arrangements to notify the House promptly.

In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and Minority).

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(1) Requirement to Protect Sources and Methods. In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(m) Availability of Information to Other Committees. The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(n) Provision of Materials. The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be available to such other member of the House or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(p) Log. The Director of Security and Registry for the Committee shall maintain a log record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for providing the information, and the name of the committee or non-Committee member receiving such document or material.

(q) Miscellaneous Requirements.

(1) Staff Director’s Additional Authority. The Staff Director is further empowered to provide for such additional measures, which he shall deem necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.
shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

2. Exception. In the event the House of Representatives is:

(a) A recess period in excess of 3 days; or
(b) Has adjourned sine die; the Chair of the full Committee, or the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

c. Available Actions. Such disciplinary action in any case may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

e. Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit the following matters to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, subject to the provisions of the Rules of the House:

1. Broadcasting Committee meetings conducted by the Committee is open to the public.

C. Available Actions. Such disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

2. Exception. In the event the House of Representatives is:

(a) A recess period in excess of 3 days; or
(b) Has adjourned sine die; the Chair of the full Committee, or the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

c. Available Actions. Such disciplinary action in any case may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

e. Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House.

(b) Notice Withholding. The Chair shall not notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

8. Cong. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary, to the Committee on the Judiciary.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accorded 8:17 on the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary, to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

538. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Repowering Assistance Payments to Eligible Burearferences (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerances (EPA-HQ-OPP-2009-0980; FRL-8861-1) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, submitting the Agency's final rule — Sulflurazine; Pesticide Tolerances (EPA-HQ-OPP-2008-0125; FRL-8860-1) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0655; FRL-9249-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


Department of Homeland Security, transmitting the Department’s final rule — Ancorage Regulations; Long Island Sound [Docket No.: USCG-2008-0717] (RIN: 1625-AA11) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. NAPOLITANO (for herself, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Ms. BROWN, Mr. CHRISTENSEN, Mr. CHRISTOPHER, Mr. CHRISTOPHER, Mr. CHRISTENSEN, Ms. CHRISTINE, Mr. CHRISTINE, Mr. CHRISTENSEN, Mr. CHRISTENSEN, Ms. CHRISTINE, Mr. CHRISTENSEN, Mr. CHRISTENSEN, Mr. COOK, Mr. CONNIE, Mr. CONNIE, Mr. CONNIE, Mr. CONNIE, Mr. CONNIE, Ms. COOK, Mr. COOK, Mr. COOK, Ms. COOK, Ms. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, Mr. COOK, 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to train public housing residents to provide home-based health services; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Mrs. Schino).

H.R. 781. A bill to amend title 39, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H.R. 764. A bill to ensure fair treatment of existing leases and flood control structures under the National Flood Insurance Program; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself and Ms. DEGETTE).

H.R. 765. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONNER:

H.R. 766. A bill to extend Federal recognition to the Mow Mow Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. DeFAZIO:

H.R. 767. A bill to permit individuals to choose to opt out of the requirement to maintain health insurance minimum essential coverage if such individuals also opt out of specified Federal reform protections; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. RUSH):

H.R. 768. A bill to amend title 10, United States Code, to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. COHEN (for himself, Ms. RICHARDSON, Mr. RANGEL, Mr. MCDERMOTT, Ms. NORTON, and Mr. THOMAS):

H.R. 769. A bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes; to the Committee on Financial Services.

By Mr. CUELLAR:

H.R. 770. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated activities among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping activity on the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUELLAR:

H.R. 771. A bill to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Ms. DeLAURO (for herself, Mr. HINCHLEY, Mr. COHEN, Mr. FILNER, Ms. NORFORD, Mr. CONYERS, Mrs. BROWN of Florida, Mr. JACKSON of Illinois, Mr. HINOJOSA, Mr. SCHUMER, and Mr. JOHNSON of Illinois):

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to restore the credit lost by individuals resulting from the replacement of the Mortgage Credit Certificate with the employee payroll tax cut for 2011; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 773. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 774. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee (for himself, Mr. BURTON of Indiana, and Mr. JONES):

H.R. 775. A bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGLE:

H.R. 776. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHLEY:

H.R. 777. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits produced by small producers; to the Committee on Ways and Means.

By Ms. HINOJOSA (for himself, Mr. FATTAH, Ms. HIRON, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. POLIS, Mr. REYES, Mr. JACKSON of Illinois, Mr. JACKSON of Texas, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. ANDREWS, Mr. LUJAN, Mrs. NAPOLITANO, Mr. Sires, Mr. SCOTT of Virginia, Mr. RICHARDSON, Mrs. DAVID of California, Mr. DAVID of Illinois, Ms. BROWN of Florida, Mr. WU, Mr. MEEKS, Ms. EIDERS, BRENNER JOHNSON of Texas, Mr. PAYNE, Mr. ROYAL-ALIARD, Mr. LARSON of Connecticut, Mrs. McCARTHY of New York, Mr. BACA, Mr. GONZALEZ, Ms. CHU, and Mr. WILK of Texas):

H.R. 778. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KINZINGER of Illinois (for himself, Mr. SHIMkus, Mr. DOLD, Mr. SCHROCK, Mr. CONLON, and Mr. JOHNSON of Illinois):

H.R. 779. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEK of California (for herself, Mr. PAUL, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. CAPUANO, Mr. CONYERS, Mr. SCHRACK, Mr. HONDA, Ms. SPEIER, Mr. WELCH, Mrs. MALONEY, Mr. GRIJALVA, Mr. KUCZINSKI, Mr. FILNER, Ms. ZOE LOFgren of California, Ms. BASS of California, Mr. BLUMENAUER, Ms. CHU, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Mr. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Ms. HANABUSA, Mr. JACKSON of Illinois, Mr. LEWIS of Texas, Mr. JONES, Ms. EDDIE HERNandez of Texas, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Ms. PINKER of Maine, Ms. LINDA T. SANCHEZ of California, and Ms. LORETTA SANCHEZ of California):

H.R. 780. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 781. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself, Mr. BISHOP of Utah, Mr. BRUN of Georgia, Mr. TIPTON, Mr. GUTHRIE, Mr. TUSSEY, Mr. PAUL, Mr. FLAKE, Mr. MILLER of Florida, Mr. LONG, Mr. YOUNG of Alaska, Mr. KINZINGER of Illinois, Mr. FRANKS of Arizona, Mr. WALBERGER, Mr. FLORES of Georgia, Mr. POSEY, Mr. PENCE, Mr. SULLIVAN, Mr. ROONEY, Mr. YODE, Mr. BILRAY, and Mr. LAUDERBAUGH):

H.R. 782. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 783. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the
Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

Mr. NADLER (for himself, Mr. MEeks, and Mr. RANGEL): H.R. 792. A bill to establish the African Burial Ground National Monument, to provide for the use of certain nonprofit reclamation projects, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCAIN, Mr. RANGEL, and Mr. MCINERNEY: H.R. 793. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

Mr. ROHRABACHER (for himself, Mr. JONES, Mr. MCCOTTER, and Mr. MCKINLEY): H.R. 794. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. WINKER: H.R. 795. A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts to captives to tollpayers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. Berman, Mr. BILIRAY, Mrs. BONO MACK, Mr. CALVERT, Mrs. CALVET, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FELNER, Mr. GALLEGLY, Mr. GARAMendi, Ms. HARRAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Mr. MAYS, Mr. McCINTOCH, Mr. MCNerney, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PEZinski, Mr. ROHRABACHER, Ms. ROYAL-AlLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SORIO, Ms. SVEIKO, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, and Mr. WAXMAN): H.R. 795. A bill to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the “Sergeant Matthew J. Fenton Post Office”; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO: H. Res. 41. A resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Ms. MATSUI, Ms. BORDALLO, Mr. THOMPSON of Mississippi, Mr. MEeks, Mr. HASTINGS of Florida, Mr. ROSS of Arkansas, Mr. MCGovern, Mr. SCOTT of Virginia, Ms. BROWN of Florida, Ms. HIRONO, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. CUMMINS, Ms. SEWELL, Ms. LEE of California, Mr. FILNER, Ms. MOORE, Mr. SERRANO, Mr. RAúEL, Mrs. NAPOLITANO, Mr. HONDA, Mr. GONZáLEz, Mr. COHEN, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Ms. EDIE BRINSDON JOHNSON of Texas, Mr. MARKY, Mr. WATT, Ms. WILLSON of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, Mr. RICHMOND, Mr. HOULahan, Ms. WOOLSEY, Ms. RICHARDson, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Ms. WATERS, and Ms. CHU): H. Con. Res. 5. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; to the Committee on Oversight and Government Reform.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas): H. Res. 42. A resolution authorizing the Committee on Oversight and Government Reform to investigate Mr. BORRALLO, Mr. AL GREEN of Texas, Ms. HASTINGS, Ms. HIRONO, Mr. HONDA, Ms. MATSUI, and Mr. WU): H. Res. 99. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 6066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. CICILIA, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. POLIS, and Mr. PAYNE): H. Res. 100. A resolution honoring the life of David Kato and all who are victims of violence in Uganda because of their sexual orientation or gender identity; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, and Mr. POLIS): H. Res. 101. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Ms. WILSON of Florida, Mr. DIAZ-BALART, Mr. BUCHANAN, Mr. ROSS of Florida, Mr. POSET, and Mr. WEST): H. Res. 102. A resolution commemorating the city of Fort Lauderdale, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. SENSENHENNER (for himself and Mr. MORAN): H. Res. 103. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. WAXMAN introduced a bill (H.R. 794) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

CONGRESSIONAL RECORD — HOUSE H1197

February 17, 2011
By Mr. SCHRADE:
H.R. 752.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the Constitution of the United States.
By Mr. LATHAM:
H.R. 753.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the U.S. Constitution relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.
By Mr. ROGERS of Michigan:
H.R. 754.
Congress has the power to enact this legislation pursuant to the following:
The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.
Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; "to provide and maintain a Navy"; "To provide Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."
By Mr. STARK:
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article I of the Constitution.
By Mr. DeFAZIO:
H.R. 756.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution.
By Mr. GARRETT:
H.R. 757.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 4: "To establish . . . uniform laws on the subject of bankruptcies throughout the United States."
By Mr. NUNES:
H.R. 758.
Congress has the power to enact this legislation pursuant to the following:
Clause 2 of Section 3 of Article IV of the Constitution of the United States.
By Mr. NUNES:
H.R. 759.
Congress has the power to enact this legislation pursuant to the following:
Clause 2 of Section 3 of Article IV of the Constitution of the United States.
By Mr. NUNES:
H.R. 760.
Congress has the power to enact this legislation pursuant to the following:
Clauses 3 and 18 of Section 8 of Article I of the Constitution of the United States.
By Mr. NUNES:
H.R. 761.
Congress has the power to enact this legislation pursuant to the following:
Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.
with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without regard to any census or enumeration.

By Mr. MCCOTTER:
H.R. 782. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.
Further, this legislation would enable the States to exercise the rights granted to them by the Tenth Amendment to the Constitution.

Amendment X: The powers not delegated to the States by the Constitution, nor prohibited by it to the States, are reserved to the United States by the Constitution, nor with foreign Nations, and among the several States.

By Mr. ROHABACHER:
H.R. 783. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution.

This Bill is enacted pursuant to Article I, Section 8, Clauses 1, 17, and 18.

By Mr. NADLER:
H.R. 784. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clauses 1, 17, and 18.

By Mr. PEARCE:
H.R. 785. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROHABACHER:
H.R. 786. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution, the authority to enact this legislation is also derived from Amendment XVI of the United States Constitution.

By Mr. ROHABACHER:
H.R. 787. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROTHMAN of New Jersey:
H.R. 788. Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the power of Congress to provide for the general welfare of the United States.

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. RYAN of Ohio:
H.R. 789. Congress has the power to enact this legislation pursuant to the following:
Clause 18 of Section 8 of Article I of the United States Constitution: Congress shall have power... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. LORETTA SANCHEZ of California:
H.R. 790. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEINER:
H.R. 791. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

This Bill is enacted pursuant to Article I, Section 8, Clauses 1, 17, and 18.

By Mr. ROHRABACHER:
H.R. 792. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the Constitution.

Mr. WAXMAN:
H.R. 793. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to establish an uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress the power over immigration policy. As the Court found in Galvan v. Press, 347 U.S. 522, 531 (1954), "that the formulation of policies pertaining to the entry of aliens (and their subsequent lives in America) is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government," and, as the Court found in Kleindienst v. Mandel, 408 U.S. 753, 766 (1972) (quoting Boutilier v. INS, 387 U.S. 118, 123 (1967)), "[t]he Court without exception has sustained Congress' plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden."

By Mr. DeFAZIO:
H.R. Res. 41. Congress has the power to enact this legislation pursuant to the following:
Article V: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

ADDITIONAL SPONSORS
H.R. 5: Mr. CANSECO.
H.R. 23: Mr. DOYLE.
H.R. 38: Mr. TIPPTON and Mr. GOODLATTE.
H.R. 44: Mr. PLATS.
H.R. 100: Mr. HUNTER.
H.R. 104: Mr. FOR of Texas.
H.R. 122: Mr. BROOKS.
H.R. 125: Mr. MCCOTTER.
H.R. 140: Mr. HARPER and Mr. ALKJENBERG.
H.R. 178: Mr. ROY of Tennessee, Mr. WEST, Mr. SCHIFF, Mr. Pastor of Arts Blk, Mr. BILAKIES, Mr. WOLF, Mr. BROOKS, and Ms. CAS- tor of Florida.
H.R. 181: Mr. KINZINGER of Illinois and Mr. WALZ of Minnesota, and Mr. ALTMIKE.
H.R. 186: Mrs. BACHMANN.
H.R. 199: Mr. GRESH GREEN of Texas.
H.R. 234: Mr. CANSECO.
H.R. 272: Mr. BARTLETT and Mr. RHIPL.
H.R. 303: Mr. BROOKS and Mr. LOEBACK.
H.R. 308: Mrs. EDDIE BERNICE JOHNSON of Texas.
H.R. 327: Mr. OWENS and Ms. SUTTON.
H.R. 332: Mr. MARKEY.
H.R. 333: Mr. PEARCE.
H.R. 337: Mr. WOMACK.
H.R. 360: Mr. ROSS of Florida, Mr. LATTA, Ms. LOWERY of Georgia, Mr. FOXX, Mr. CHAVAACK, Mr. COFFMAN of Colorado, Mr. PEARCE, Mr. KINZINGER of Illinois, Mr. DESJARLais, Mr. Thompson of Pennsylvania, and Mr. BARLETT.
H.R. 361: Mr. WOODALL, Mr. COFFMAN of Colorado, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. HUNTER, Mr. ALTVIRA, Mr. Pastor of Arts Blk. Mr. BILAKIES, Mr. WOLF, Mr. BROOKS, and Ms. CAS- tor of Florida.
H.R. 420: Mr. ROSS of Florida, and Mr. ALTMIKE.
H.R. 421: Mr. LANKFORD, Mr. GIBBS, Ms. GUNTA, and Mr. BARTON of Texas.
H.R. 428: Mr. RIVERA, Mr. ROSS of Florida, and Mr. CANSECO.
H.R. 437: Mr. Yoder.
H.R. 440: Mr. MARINO and Mr. SENSHEENDER.
H.R. 456: Mr. FRANK of Massachusetts.
H.R. 459: Mr. WALSH of Illinois.
H.R. 470: Mr. SHERMAN and Ms. CHU.
H.R. 492: Mr. ROTHMAN of New Jersey, Mr. PETRI, and Mr. KINZINGER of Illinois.
H.R. 498: Mr. WEST.
H.R. 501: Mr. ROTHMAN of New Jersey and Mr. FRANK of Massachusetts.
H.R. 529: Mr. WITTMAN.
H.R. 535: Mr. Himes.
H.R. 539: Mr. ROYAL-ALLARD and Mr. GEORGE MILLER of California.
H.R. 548: Mr. NGUERAUNIE.
H.R. 567: Mr. CANSECO.
H.R. 570: Mr. WEINER, Mr. GRESH GREEN of Texas, and Mr. MCKINLEY.
H.R. 584: Mr. KIND.
H.R. 589: Mr. DOYLE.
H.R. 605: Mr. HUNTER and Mr. GRIFFIN of Arkansas.
H.R. 607: Mr. ELLISON and Mr. LANGVIN.
H.R. 614: Mr. CULLING.
H.R. 673: Mr. SESSIONS, Mr. KINZINGER of Illinois, and Mr. WESTMORELAND.
H.R. 692: Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GARRETT, Mr. MILLER of Florida, and Mr. WESTMORELAND.
H.R. 700: Mr. PETRI.
H.R. 711: Mr. COSTA.
H.R. 718: Mr. BILARAY.
H.R. 721: Mr. COSTA.
H.R. 735: Mr. ROSS of Florida, Mr. HARRIS, and Ms. FOXX.
H.R. 738: Mrs. CAPPs and Ms. WASSERMAN SCHULTZ.
H.R. 743: Mr. Guthrie.
H.J. Res. 1: Mr. Benishek.
H.J. Res. 2: Mr. Altmiere, Mr. Guthrie, Mr. Benishek, Mrs. Black, Mr. Canseco, Mr. Defazio, Ms. Jenkins, and Mr. LaTourette.
H. Con. Res. 12: Mr. Waxman, Mr. Sherman, Mr. Peters, Mr. Cohen, Mr. Hastings of Florida, Mrs. Capps, Mrs. Lowry, Mr. McGovern, Ms. Schakowsky, Mr. Keating, Mr. Rothman of New Jersey, Mr. Platts, and Mr. King of New York.
H. Res. 66: Mr. Falomavaega, Mr. Costello, and Mr. Peterson.
H. Res. 61: Mr. Latta and Mr. Davis of Illinois.
H. Res. 83: Mr. Olver and Ms. Wilson of Florida.
H. Res. 95: Mr. Graves of Missouri.
H. Res. 96: Mr. Fitzpatrick, Mr. Meehan, Mr. Barletta, Mr. Gehrlich, Mr. Pitts, Mr. Shuster, Mr. Dent, and Mr. Thompson of Pennsylvania.
HIGHLIGHTS

Senate passed S. 223, FAA Air Transportation Modernization and Safety Improvement Act, as amended.
Senate agreed to H. Con. Res. 17, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S807–S927

Measures Introduced: Forty-two bills and eighteen resolutions were introduced, as follows: S. 374–415, and S. Res. 59–76. Pages S870–71

Measures Reported:

- S. Res. 59, authorizing expenditures by the Committee on Armed Services.
- S. Res. 61, authorizing expenditures by the Committee on the Judiciary.
- S. Res. 62, authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.
- S. Res. 64, authorizing expenditures by the Committee on Commerce, Science, and Transportation.
- S. Res. 66, authorizing expenditures by the Committee on Small Business and Entrepreneurship.
- S. Res. 67, authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.
- S. Res. 68, authorizing expenditures by the Senate Committee on Indian Affairs.
- S. Res. 69, authorizing expenditures by the Committee on Finance.
- S. Res. 70, authorizing expenditures by the Committee on Rules and Administration.
- S. Res. 71, authorizing expenditures by the Committee on Veterans’ Affairs. Page S868

Measures Passed:

Real Estate Investment Trusts 50th Anniversary: Senate agreed to S. Res. 60, recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States. Page S809

FAA Air Transportation Modernization and Safety Improvement Act: By 87 yeas to 8 nays (Vote No. 25), Senate passed 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 traffic control system, reauthorize the Federal Aviation Administration, after taking action on the following amendments proposed thereto: Pages S809–35

- Hutchison Further Modified Amendment No. 93 (to Modified Amendment No. 7), of a perfecting nature. Pages S809, S814
- Inhofe Modified Amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport. Pages S809, S814
- Coburn/Begich Amendment No. 64, to rescind unused earmarks. Pages S825–26
- Rockefeller (for Brown (OH)/Portman) Amendment No. 105 (to Amendment No. 32), to improve the provisions relating to integrating unmanned aerial systems into the National Airspace System. Pages S827–28
- Rockefeller (for Ensign) Amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System. Pages S809, S828
- Reid Modified Amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes. Pages S809, S825
- Udall (NM) Modified Amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes. Pages S809, S828
- Udall (NM) Further Modified Amendment No. 51, to require that all advanced imaging technology
used as a primary screening method for passengers be equipped with automatic target recognition software.

Coburn Modified Amendment No. 80, to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport. (By 34 yeas to 65 nays (Vote No. 23), Senate earlier failed to table the amendment.)

Coburn Amendment No. 81, to limit essential air service to locations that average 10 or more enplanements per day.

Schroeder Amendment No. 71, to control helicopter noise pollution in residential areas.

Rockefeller (for Leahy) Amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Rockefeller (for Lautenberg) Modified Amendment No. 10, to change the effective date for certain noise level amendments.

Rockefeller (for Pryor/Boozman) Amendment No. 22, to cap the local cost share under the contract air traffic control tower program at 20 percent.

Rockefeller (for Klobuchar) Modified Amendment No. 37, to clarify the allowable costs standards for public-use airport projects.

Rockefeller (for Cantwell) Modified Amendment No. 46, to allow the IRA rollover of amounts received in airline carrier bankruptcy.

Hutchison (for Murkowski/Begich) Amendment No. 53, to require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters.

Hutchison/Cornyn Amendment No. 57, to authorize the Administrator of the Federal Aviation Administration to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects.

Hutchison (for Cochran/Wicker) Amendment No. 59, to require a report on the use of explosive pest control devices.

Rockefeller (for Cantwell) Amendment No. 65, to accelerate the implementation of required navigation performance procedures.

Hutchison (for Inhofe) Amendment No. 86, to provide for use of model aircraft for recreational and other purposes.

Rockefeller (for Boxer/Snowe) Amendment No. 94, to require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats.

Rejected:

McCain Amendment No. 4, to repeal the essential air service program. (By 61 yeas to 38 nays (Vote No. 21), Senate tabled the amendment.)

Paul Amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. (By 52 yeas to 47 nays (Vote No. 22), Senate tabled the amendment.)

Coburn Amendment No. 91, to decrease the Federal share of project costs under the airport improvement program for non-primary airports. (By 59 yeas to 40 nays (Vote No. 24), Senate tabled the amendment.)

Withdrawn:

Rockefeller (for Wyden) Amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on Inhofe Modified Amendment No. 7 (listed above), be vitiated.

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

By 96 yeas to 2 nays (Vote No. 20), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

A unanimous-consent agreement was reached providing that the bill be held at the desk, when the Senate receives the House companion to S. 223, as determined by the two Leaders, it be in order for the Majority Leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory PAYGO statement be read and the bill be passed; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5–4; all with no intervening action or debate.

Education Sciences Reform Act: Senate passed S. 365, to make a technical amendment to the Education Sciences Reform Act of 2002.
W. Craig Broadwater Federal Building and United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of S. 307, to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the “W. Craig Broadwater Federal Building and United States Courthouse”, and the bill was then passed.

Sam D. Hamilton Noxubee National Wildlife Refuge: Committee on Environment and Public Works was discharged from further consideration of S. 266, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge, and the bill was then passed.

Alvin Ailey American Dance Theater: Senate agreed to S. Res. 72, recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey’s masterwork, “Revelations”.

Supporting Iranian Democracy: Senate agreed to S. Res. 73, supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government.

Rare Disease Day: Senate agreed to S. Res. 74, designating February 28, 2011, as “Rare Disease Day”.

National Cerebral Palsy Awareness Day: Senate agreed to S. Res. 75, designating March 25, 2011, as “National Cerebral Palsy Awareness Day”.

Soldiers of the 14th Quartermaster Detachment of the Army Reserve: Senate agreed to S. Res. 76, recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm.

Adjournment Resolution: Senate agreed to H. Con. Res. 17, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamen-
Michelle D. Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana.
Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.
Ryan C. Crocker, of Washington, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.
Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.
William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.
Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.
Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.
1 Marine Corps nomination in the rank of general.

Messages from the House: Pages S865
Measures Held at the Desk: Pages S865
Executive Communications: Pages S865–68
Executive Reports of Committees: Pages S868–69
Additional Cosponsors: Pages S871–72
Statements on Introduced Bills/Resolutions: Pages S872–919

ADJOURNMENT: Senate convened at 9:30 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 17, at 9:19 p.m., until 2 p.m. on Monday, February 28, 2011. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S927.)

Committee Meetings
(Committees not listed did not meet)

AGRICULTURE AND GROWING AMERICA’S ECONOMY
Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine agriculture and growing America’s economy, after receiving testimony from Thomas Vilsack, Secretary of Agriculture; Keith Creagh, Michigan Department of Agriculture and Rural Development, Lansing; Fred Yoder, Ohio Corn and Wheat Growers Association, Plain City; Joe L. Outlaw, Texas A&M University Agricultural and Food Policy Center, College Station; and Thomas M. Hoennig, Federal Reserve Bank of Kansas City, Kansas City, Kansas.

BUSINESS MEETING
Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.
Also, committee adopted its rules of procedure for the 112th Congress.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM
Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Robert M. Gates, Secretary, Admiral Michael G. McMullen, USN, Chairman, Joint Chiefs of Staff, and Robert S. Hale, Under Secretary, Comptroller, all of the Department of Defense.

BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported an original resolution authorizing expenditures by the committee, and 670 nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.
Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:
Subcommittee on Financial Institutions and Consumer Protection: Senators Brown (OH) (Chair), Reed, Schumer, Menendez, Akaka, Tester, Kohl, Merkley, Hagan, Corker, Moran, Crapo, Johanns, Toomey, DeMint, and Vitter.
Subcommittee on Housing, Transportation, and Community Development: Senators Menendez (Chair), Reed, Schumer, Akaka, Brown (OH), Tester, Kohl, Merkley, Bennet, DeMint, Crapo, Corker, Toomey, Kirk, Moran, and Wicker.
Subcommittee on Securities, Insurance, and Investment: Senators Reed (Chair), Schumer, Menendez, Akaka, Kohl, Warner, Merkley, Bennet, Hagan, Johnson (SD), Crapo, Toomey, Kirk, Corker, DeMint, Vitter, Moran, and Wicker.
Subcommittee on Economic Policy: Senators Tester (Chair), Warner, Hagan, Johnson (SD), Vitter, Wicker, and Johanns.
Subcommittee on Security and International Trade and Finance: Senators Warner (Chair), Brown (OH), Ben- net, Johnson (SD), Johanns, and Kirk.
Senators Johnson (SD) and Shelby are ex officio mem- bers of each subcommittee.

DODD-FRANK IMPLEMENTATION
Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to exam- ine the Dodd-Frank implementation, focusing on a progress report by the regulators at the half-year mark, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System; Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; Mary L. Schapiro, U.S. Securities and Exchange Commission; Gary Gensler, Chairman, Commodity Futures Trading Commission; and John Walsh, Acting Comptroller of the Currency, Office of the Comptroller of the Currency.

BUDGET
Committee on the Budget: Committee concluded a hear- ing to examine the President’s proposed budget request for fiscal year 2012 and Revenue Proposals, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

BUSINESS MEETING
Committee on Commerce, Science, and Transportation: Committee ordered favorably reported an original resolution authorizing expenditures by the com- mittee.
Also, committee adopted its rules of procedure for the 112th Congress.

BUSINESS MEETING
Committee on Finance: Committee ordered favorably reported an original resolution authorizing expendi- tures by the committee.

U.S. POLICY TOWARD LATIN AMERICA
Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Nar- cotics Affairs concluded a hearing to examine United States policy toward Latin America, after receiving testimony from Arturo A. Valenzuela, Assistant Secre- tary of State for Western Hemisphere Affairs; Mark Feierstein, Assistant Administrator for Latin America and the Caribbean, United States Agency for Inter- national Development; Frank O. Mora, Deputy As- sistant Secretary of Defense for Western Hemisphere Affairs; and Robert N. Kaplan, Inter-American Foundation, Washington, D.C.

DEPARTMENT OF HOMELAND SECURITY
BUDGET
Committee on Homeland Security and Governmental Af- fairs: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2012 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secre- tary of Homeland Security.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favor- ably reported the following business items:
An original resolution authorizing expenditures by the committee; and
The nominations of Sue E. Myerscough, and James E. Shadid, both to be a United States District Judge for the Central District of Illinois, Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, and Michael H. Simon, to be United States District Judge for the District of Oregon.
Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:
Subcommittee on Administrative Oversight and the Courts: Senators Klobuchar (Chair), Leahy, Kohl, Whitehouse, Coons, Sessions, Grassley, Lee, and Coburn.
Subcommittee on Antitrust, Competition Policy and Consumer Rights: Senators Kohl (Chair), Schumer, Klobuchar, Franken, Blumenthal, Lee, Grassley, and Cornyn.
Subcommittee on The Constitution, Civil Rights and Human Rights: Senators Durbin (Chair), Leahy, Whitehouse, Franken, Coons, Blumenthal, Graham, Kyl, Cornyn, Lee, and Coburn.
Subcommittee on Crime and Terrorism: Senators Whitehouse (Chair), Kohl, Feinstein, Durbin, Klobuchar, Coons, Kyl, Hatch, Sessions, and Graham.
Subcommittee on Immigration, Refugees and Border Se- curity: Senators Schumer (Chair), Leahy, Feinstein, Durbin, Franken, Blumenthal, Cornyn, Grassley, Hatch, Kyl, and Sessions.
Subcommittee on Privacy, Technology and the Law: Senators Franken (Chair), Schumer, Whitehouse, Blumenthal, Coburn, Hatch, and Graham.

BUSINESS MEETING
Committee on Rules and Administration: Committee or- dered favorably reported an original resolution au- thorizing expenditures by the committee.
Also, committee adopted its rules of procedure for the 112th Congress.
REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine reauthorization of the SBIR and STTR programs, after receiving testimony from Charles W. Wessner, National Research Council; Jere W. Glover, National Small Business Association (NSBA); Joe Hernandez, Signal Genetics, on behalf of the Biotechnology Industry Organization (BIO), all of Washington, D.C.; Irwin Mark Jacobs, Qualcomm, San Diego, California; and Matthew R. Silver, Cambrian Innovation LLC, Somerville, Massachusetts.

BUSINESS MEETING
Committee on Small Business and Entrepreneurship: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

BUSINESS MEETING
Committee on Veterans’ Affairs: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 43 public bills, H.R. 751-793; 1 private bill, H.R. 794; and 9 resolutions, H.J. Res. 41; H. Con. Res. 19; and H. Res. 97-103 were introduced.

Pages H1195-H1200

Additional Cosponsors: 

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Rev. Mark Williamson, Federal Intercessors, Houston, Texas.

Pages H1073

FISA Sunsets Extension Act of 2011: The House concurred in the Senate amendment to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, by a yea-and-nay vote of 279 yeas to 143 nays, Roll No. 66.

Pages H1075-80

H. Res. 93, the rule providing for consideration of the Senate amendment, was agreed to yesterday, February 16th.

Full-Year Continuing Appropriations Act, 2011: The House resumed consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011. Consideration is expected to resume tomorrow, February 18th.

Pages H1181-89

Agreed to:

Walberg amendment (No. 196 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the National Foundation on the Arts and the Humanities, National Endowment for the Arts, Grants and Administration by $20,594,000 (by a recorded vote of 217 ayes to 209 noes, Roll No. 68);

Page H1081

Canseco amendment (No. 249 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for National Capital Arts and Cultural Affairs by $4,500,000 (by a recorded vote of 248 ayes to 177 noes, Roll No. 69);

Pages H1081-82

Reed amendment (No. 381 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that eliminates the Presidio Trust Fund (by a recorded vote of 239 ayes to 186 noes, Roll No. 70);

Pages H1082-83

McMorris Rodgers amendment (No. 276 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that increases IDEA state grants to FY 2010 levels and reduces school improvement grants and teacher quality grants by necessary amounts to fully offset outlays (by a recorded vote of 249 ayes to 179 noes, Roll No. 73);

Pages H1084-85

Young (AK) amendment (No. 532 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that restores the education funding authority for Alaskan and Hawaiian Native Americans (by a recorded vote of 313 ayes to 117 noes, Roll No. 74);
Weiner amendment (No. 100 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the United States Institute of Peace by $42,676,000 (by a recorded vote of 268 ayes to 163 noes, Roll No. 76); Pages H1086–87

Cansaeco amendment (No. 248 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the East-West Center by $10,716,000 (by a recorded vote of 274 ayes to 155 noes, Roll No. 77); Page H1087

Lowey amendment (No. 334 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds to be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas; Pages H1102–03

Cole amendment (No. 208 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds to be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986 (by a recorded vote of 247 ayes to 175 noes, Roll No. 81); Pages H1138–39

Price (NC) amendment (No. 514 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to be used to enforce the requirements in section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974; section 34(a)(1)(B) of such Act; section 34(c)(1) of such Act; section 34(c)(2) of such Act; and section 34(c)(4)(A) of such Act (by a recorded vote of 267 ayes to 159 noes with 1 voting “present”, Roll No. 82); Pages H1095–96 H1139

Walden amendment (No. 404 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10–201, adopted by the Commission on December 21, 2010) (by a recorded vote of 244 ayes to 141 noes, Roll No. 83); Pages H1096–H1102, H1139–40

Lummis amendment (No. 195 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code (by a recorded vote of 232 ayes to 197 noes, Roll No. 85); Pages H1111–14, H1141–42

Carter amendment (No. 165 printed in the Congressional Record of February 14, 2011) that prohibits funds from being used to implement, administer, or enforce the rule entitled “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants” published by the Environmental Protection Agency on September 9, 2010 (by a recorded vote of 250 ayes to 177 noes, Roll No. 86); Pages H1115–21 H1142

Scalise amendment (No. 204 printed in the Congressional Record of February 14, 2011) that prohibits funds from being used to pay the salaries and expenses for specified Federal agency positions and their offices (by a recorded vote of 249 ayes to 179 noes with 1 voting “present”, Roll No. 87); Pages H1121–25, H1142–43

Fortenberry amendment (No. 424 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to provide any of the following types of assistance to Chad: international military education and training, foreign military financing, provision of excess defense articles, foreign military forces capacity assistance, and direct commercial sales of military equipment; and Pages H1184–85

Hastings (FL) amendment (No. 23 printed in the Congressional Record of February 14, 2011) that increases, by offset, the amount made available for Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services by $42,000,000. Pages H1185–86

Rejected:

Pompeo amendment (No. 85 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that sought to reduce funding for the Department of Agriculture, Forest Service, State and Private Forestry by $7,400,000 (by a recorded vote of 171 ayes to 256 noes, Roll No. 67); Pages H1080–81

Bass (NH) amendment (No. 565 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that sought to reduce funding for Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services by $98,000,000 (by a recorded vote of 104 ayes to 322 noes with 2 voting “present”, Roll No. 71); Page H1083

Flake amendment (No. 457 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that sought to reduce funding for making payments under the Community Service Block Grant Act by $100,000,000 (by a recorded vote of 115 ayes to 316 noes, Roll No. 72); Page H1084

Price (GA) amendment (No. 410 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that eliminates funding
for the National Labor Relations Board (by a recorded vote of 176 ayes to 250 noes, Roll No. 75);

Heller amendment (No. 29 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding under Title XI—State, Foreign Operations, and Related Programs by $211,244,700 (by a recorded vote of 190 ayes to 241 noes, Roll No. 78); Pages H1087–88

Sessions amendment (No. 43 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for Amtrak by $446,900,000 (by a recorded vote of 176 ayes to 250 noes, Roll No. 79); Pages H1088–95

Woolsey amendment (No. 189 printed in the Congressional Record of February 14, 2011) that sought to prohibit the use of funds available by division A of this Act to research, develop, test, evaluate, or procure any the following: (1) Expeditionary Fighting Vehicle; (2) V–22 Osprey aircraft (by a recorded vote of 91 ayes to 359 noes, Roll No. 80); Pages H1091–95, H1137–38

Camp amendment (No. 516 printed in the Congressional Record of February 15, 2011) that sought to prohibit funds from being used for the opening of the locks at the Thomas J. O’Brien Lock and Dam or the Chicago River Controlling Works (by a recorded vote of 137 ayes to 292 noes with 1 voting “present”, Roll No. 84); Pages H1103–06, H1140

Frank (MA) amendment (No. 458 printed in the Congressional Record of February 15, 2011) that sought to reduce the amounts made available to the Department of the Treasury, Internal Revenue and the General Services Administration and to increase the amount made available to the Independent Agencies, Securities and Exchange Commission, Salaries and Expenses by $131,000,000 (by a recorded vote of 160 ayes to 270 noes, Roll No. 88); and Pages H1125–31, H1143

Holt amendment (No. 506 printed in the Congressional Record of February 15, 2011) that sought to reduce the amount made available for Department of the Treasury, Internal Revenue Service, Enforcement, and increase the amounts provided in section 1517(a) for transfer from the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform Consumer Protection Act (by a recorded vote of 163 ayes to 265 noes, Roll No. 89). Pages H1131–37, H1144

Withdrawn:

Fortenberry amendment (No. 483 printed in the Congressional Record of February 15, 2011) that was offered and subsequently withdrawn that would have prohibited the use of funds for, or in, sterilization campaigns. Page H1186

Point of Order sustained against:

Woolsey amendment (No. 413 printed in the Congressional Record of February 15, 2011) that sought to prohibit the use of funds in the Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President seeks to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan;

Eshoo amendment (No. 576 printed in the Congressional Record of February 15, 2011) that sought to prohibit the use of funds to enter into any contract with a corporation or other business entity that does not disclose its political contributions;

Lee amendment (No. 222 printed in the Congressional Record of February 14, 2011) that sought to prohibit the use of funds for any account of the Department of Defense (except Military personnel, reserve personnel, National Guard personnel, and the Defense Health Program account) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act; and

Wasserman Schultz amendment (No. 211 printed in the Congressional Record of February 14, 2011) that sought to increase the amount made available to the Department of Justice, Office of Justice Programs, Justice Assistance for carrying out title I of the PROTECT Our Children Act of 2008 by $30,000,000.

Proceedings Postponed:

McCollum amendment (No. 50 printed in the Congressional Record of February 14, 2011) that seeks to prohibit funds from being used for the Department of Defense sponsorship of NASCAR race cars;

Nadler amendment (No. 232 printed in the Congressional Record of February 14, 2011) that seeks to limit the use of funds for the United States military operations in Afghanistan to no more than $10,000,000,000; Pages H1144–45

Kline amendment (No. 214 printed in the Congressional Record of February 14, 2011) that seeks to prohibit funds for the use of the “Program Integrity: Gainful Employment-New Programs” section of the bill; Pages H1149–55

Pence amendment (No. 11 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds for Planned Parenthood Federation of America, Inc.; Pages H1155–74

Young (AK) amendment (No. 533 printed in the Congressional Record of February 15, 2011) that
seeks to prohibit the use of funds by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a));

Pages H1182–83

Nadler amendment (No. 524 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists; and

Pages H1183–84

Poe amendment (No. 466 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds by the EPA to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of greenhouse gases.

H. Res. 92, the rule providing for consideration of the bill, was agreed to on February 15th.

Order of Procedure: Agreed by unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to H. Res. 92, no further amendment to the bill may be offered except: (1) pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations for the purpose of debate; (2) amendments 8, 13, 19, 23, 38, 42, 46, 47, 48, 49, 51, 54, 55, 79, 80, 83, 88, 89, 94, 99, 101, 109, 117, 120, 126, 127, 137, 141, 144, 145, 146, 149, 151, 154, 159, 164, 166, 172, 174, 177, 185, 199, 200, 207, 216, 217, 233, 241, 246, 251, 255, 261, 263, 266, 267, 268, 274, 280, 281, 296, 323, 329, 330, 331, 333, 336, 342, 344, 345, 348, 367, 369, 377, 392, 396, 400, 401, 405, 408, 409, 414, 424, 429, 430, 439, 445, 448, 463, 464, 465, 467, 471, 480, 482, 483, 495, 496, 497, 498, 504, 507, 515, 519, 524, 525, 526, 533, 534, 536, 543, 548, 552, 560, 563, 566, 567, 569, 570, 577, 578, and 583; amendments 27, 278, 466, and 545, each of which shall be debatable for 20 minutes; amendments 104 and 540, each of which shall be debatable for 30 minutes; and amendment 273, which shall be debatable for 40 minutes; amendment 575, which shall be debatable for 60 minutes; and that each such printed amendment: (1) may be offered only by the Member who caused it to be printed in the Record, or a designee; (2) shall not be subject to amendment, except that the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and (3) shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and that except as otherwise specified in this order, each printed amendment shall be debatable for 10 minutes, and all specified periods of debate shall be equally divided and controlled by the proponent and an opponent.

Pages H1174–75

NATO Parliamentary Assembly—Appointment: The Chair announced the Speaker’s appointment of the following Members of the House to the NATO Parliamentary Assembly: Representatives Ross (AR), Chandler, Scott (GA), and Schwartz.

Page H1189

Commission on Security and Cooperation in Europe—Appointment: The Chair announced the Speaker’s appointment of the following Members of the House to the Commission on Security and Cooperation in Europe: Representatives Hastings (FL), Slaughter, McIntyre, and Cohen.

Page H1189

Senate Message: Message received from the Senate today appears on pages H1080 and H1162.

Senate Referrals: S. Con. Res. 6 was referred to the Committee on the Judiciary.

Page H1194


Adjournment: The House met at 9 a.m. and adjourned at 1:10 a.m. on Friday, February 18th.

Committee Meetings

FARM ECONOMY STATE
Committee on Agriculture: Held a hearing to review the state of the farm economy. Testimony was heard from Tom Vilsack, Secretary of Agriculture.

DEFENSE AUTHORIZATION—AIR FORCE
Committee on Armed Services: Held a hearing on the Fiscal Year 2012 national defense authorization budget request from the Department of the Air Force. Testimony was heard from the following officials of the U.S. Air Force, Department of Defense: Michael B. Donley, Secretary; and Gen. Norton A. Schwartz, Chief of Staff.

CONSUMER PRODUCT SAFETY LAWS’ BURDENS ON BUSINESS
Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “A Review of CPSIA and CPSC Resources.” Testimony was heard from the following Consumer
Product Safety Commission officials: Inez Tenenbaum, Chairman; Anne Northrup, Commissioner; and public witnesses.

MEDICAL DEVICE REGULATION
Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Impact of Medical Device Regulation on Jobs and Patients.” Testimony was heard from Jeffrey E. Shuren, M.D., Director, Center for Devices and Radiological Health, FDA; and public witnesses.

FEDERAL RESERVE INTERCHANGE FEE PROPOSAL
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Understanding the Federal Reserve’s Proposed Rule on Interchange Fees: Implications and Consequences of the Durbin Amendment.” Testimony was heard from Sarah Bloom Raskin, Governor, Federal Reserve Board, Federal Reserve System; and public witnesses.

LAWFUL ELECTRONIC SURVEILLANCE
Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security hearing on the Going Dark: Lawful Electronic Surveillance in the Face of New Technologies. Testimony was heard from Valerie E. Caproni, General Counsel, FBI, Department of Justice; Chief Mark A. Marshall, President, International Association of Chiefs of Police; and a public witness.

FEDERAL SPENDING BINGE
Committee on Oversight and Government Reform: Held a hearing on Waste and Abuse: The Refuse of the Federal Spending Binge. Testimony was heard from Senator McCaskill; Gene L. Dodaro, Comptroller General., GAO; and public witnesses.

FEDERAL RESEARCH AND DEVELOPMENT BUDGET
Committee on Science, Space, and Technology: Held a hearing on an Overview of the Administration’s Federal Research and Development Budget for Fiscal Year 2012. Testimony was heard from John P. Holdren, Director, Office of Science and Technology Policy.

REHABILITATING AND IMPROVING THE NATION’S RAIL INFRASTRUCTURE
Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines, and Hazardous Materials hearing on Sitting on Our Assets: Rehabilitating and Improving Our Nation’s Rail Infrastructure. Testimony was heard from John D. Porcari, Deputy Secretary of Transportation; and public witnesses.

VETERANS’ AFFAIRS FY12 BUDGET REQUEST
Committee on Veterans’ Affairs: Held a hearing on Department of Veterans Affairs Budget Request for Fiscal Year 2012. Testimony was heard from Eric K. Shinseki, Secretary of Veterans Affairs; and representatives of veterans organizations.

Prior to the hearing, the Committee met for organizational purposes.

MISCELLANEOUS MEASURES
Committee on Ways and Means: Ordered reported the following bills: H.R. 4, Small Business Paperwork Mandate Elimination Act of 2011; and H.R. 705, amended, Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011.

FY11 BUDGET OVERVIEW
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on FY 2011 Budget Overview.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 18, 2011
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No committee meetings are scheduled.
Next Meeting of the SENATE
2 p.m., Monday, February 28

Program for Monday: Senator Isakson will deliver Washington’s Farewell Address, to be followed by a period of morning business until 3:30. Following which, Senate will begin consideration of S. 23, Patent Reform Act. At 4:30 p.m., Senate will begin consideration of the nominations of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia, with a voice vote on confirmation of the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and a roll call vote on confirmation of the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia, at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, February 18

Program for Friday: Continue consideration of H.R. 1—Full-Year Continuing Appropriations Act, 2011.