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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATTA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2011.

I hereby appoint the Honorable ROBERT E. LATTA, to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

Lord, in turbulent times throughout our country and the world, may we bring to those who seek peace the loving, uplifting heart that rings through the prayer of St. Francis:

Lord, make me an instrument of Your peace.

Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Missouri (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CODEL TO THE CENTRAL FRONTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, I participated in a congressional delegation to visit troops and fact-find in Kuwait, Iraq, Bahrain, and Afghanistan. Immediately upon arrival, we were given an optimistic assessment of the region by Ambassador Deborah Jones in Kuwait.

America's team in Baghdad, ably led by General Lloyd Austin and Ambassador James Jeffrey, confirmed the transition to an Iraqi lead is working with the professionalism of the Iraqi Army and police. A highlight for me was to meet with the 151st Expeditionary Signal Battalion led by Lieutenant Colonel Richard Wholey of the South Carolina Army National Guard to thank them and their families for their service.

In Bahrain, we met top officials who assured us the reformist Crown Prince is leading negotiations to reduce conflict in this dynamic Persian Gulf ally where we visited the U.S.S. Lake Champlain's capable sailors.

In Afghanistan, we saw firsthand in Kandahar the success of President Obama's surge where a surge of 30,000 U.S. troops last year motivated a surge of an additional 70,000 Afghans to fight terrorism. The Kabul team of General David Petraeus and Ambassador Karl Eikenberry are successfully denying terrorists a safe haven to attack American families.

Godspeed to Danielle Simonetti Mauer, a Washington and Lee graduate, as she departs from House service for a new career.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

IN SOLIDARITY WITH AMERICAN WORKERS

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Ms. MCCOLLUM. Mr. Speaker, I stand today in solidarity with the working men and women of America. There should be no doubt that there is a war going on right now against workers, unions, and middle class Americans who want more jobs.

In Wisconsin, Ohio and here in Congress, workers' rights are under attack by union-busting politicians. It is time for Americans to stand up and fight for the rights of workers to organize and negotiate for safe working conditions, living wages, and basic benefits.

It is time to stand up and fight against the attacks launched by union-busting Republican Governors and their corporate sponsors. The citizens and legislators of Wisconsin and Ohio who are standing up to the union-busters have the respect and appreciation of millions of Americans.

Thank you for fighting for dignity, respect, freedom and the rights of American workers for today and tomorrow. And in Minnesota and across America, there are freedom-loving citizens who stand in solidarity with our brothers and sisters in Wisconsin and Ohio.

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IN HONOR OF FRANK BUCKLES, WORLD WAR I VETERAN

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

Mr. FITZPATRICK. Mr. Speaker, today I rise to honor the life of Frank Buckles, who was the last surviving veteran of World War I. Frank Buckles passed away this weekend. He was 110 years old.

I am particularly proud to pay tribute to Mr. Buckles today because of his deep roots and connection to Bucks County, Pennsylvania, which is located in my congressional district, Pennsylvania's Eighth.

Frank Buckles' ancestors first arrived in what was to become the United States in 1702. They settled in Philadelphia; and in 1732, the same year that George Washington was born, Frank's ancestors married into a Quaker family and moved to Bucks County.

Mr. Speaker, with the passing of Frank Buckles, we mourn not just the man who served his country honorably, but we also mourn the passing of an era. His death reminds us of those who have served and those who continue to serve their country in the Armed Forces, and we honor their sacrifices in the name of Frank Buckles.

WISE DEFICIT REDUCTION

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

Mr. GARAMENDI. Mr. Speaker and Members of the House, 9 days ago there was a frenzy of budget cutting here on the floor, and we are going to resume that process probably tomorrow. I would urge caution for all of us. The unintended consequences of those budget cuts will come back in many, many ways to harm this Nation.

It was estimated that the CR that was voted out of this House 9 days ago would reduce employment by over 800,000 in the next 6 months—not a good result. We have to think long term here. We need to be wise. Definitely we have to deal with the deficit, and we shall. But we must not do so at the expense of jobs and employment today or at the future opportunities. And specifically, I speak to the issue of research, development and demonstration. There are enormous cuts in that budget in the area of energy research and other necessary research that this country has to have if we are going to stay ahead in the race for the economy and for the future.

THE HUMAN GENOME PROJECT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, just before we left on break, Francis Collins came and talked to a small group of us at the Health Caucus one morning. Francis Collins, of course Dr. Collins, is the director of the National Institutes of Health and the lead of the human genome project in the National Institutes of Health when the human genome was finally solved a little less than a decade ago. Advances in genomics have really been startling, and the project continues to provide much excitement. Over 1,800 genes that cause disease have been discovered. Whole genomes for cancer cells have been mapped. That is remarkable.

The promise this research holds to help those suffering or likely to suffer from diseases or medical conditions is very real. I cannot overstate the significance of these advances. I have no doubt that the field of medicine will be revolutionized.

The technology has certainly evolved since I was a medical student some 40 years ago. Things that I would have never thought imaginable are now clearly within the reach and grasp of today's practitioner. In fact, the young men and women who are medical students and residents today, what a world they will live in. The science is going to be absolutely fantastic. And, indeed, their ability to relieve human suffering is going to be unlike anything that has been known by any generation of physicians that has preceded them.

OBAMACARE'S LOST JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last year we were told that ObamaCare would create 400,000 jobs ''almost immediately.'' We were further told that in the coming years, ObamaCare would create 10 times that amount, 4 million jobs. A year later, we see that those promises are truly hollow.

In his testimony before the House Budget Committee, CBO Director Elmendorf confirmed that the new health care law will reduce unemployment by 800,000 jobs by the end of the decade. ObamaCare will take away the current insurance plan for millions of Americans, especially those who buy in the individual market or who are in a Medicare Advantage plan. All of these people were promised, ''if you like it, you can keep it.''

On the campaign trail, the President said he would save every American family $2,500 a year. Now we know that some American families will be paying an additional $2,100 a year. How can the Congress stand for this? The only sensible option is to fully repeal ObamaCare and put forward better solutions that don't destroy jobs and health care—real reform for health insurance.

□ 1410

DEFENSE OF MARRIAGE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, while we were gone last week, the United States Department of Justice made an unfortunate decision announcement. They announced that they would no longer defend an act of Congress that was signed into law by President Clinton, that is, the Defense of Marriage Act.

The statement that came out of the Justice Department said that they could find no constitutional basis for defending that law. I recall we had the same thing happen in my home State where then-Attorney General Jerry Brown said he could not defend Proposition 8 which dealt with the definition of marriage.

Having served in that office in California, I can tell you, I defended laws that I disagreed with. I defended laws that I had voted against, and I felt it was my solemn obligation to uphold the Constitution and the laws duly enacted in my State, just as I believe the Attorney General of the United States has that obligation on the Federal level.

It is beyond disappointment. I believe it is a dereliction of duty. To somehow now find that there is no constitutional basis for defending that law is incredible and I think regrettable, and I think we ought to look into it.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in the County of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL,
Chief Administrative Officer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Jurisdiction and Venue Clarification Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.
Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.
Sec. 103. Removal and remand procedures.
Sec. 104. Effective date.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

Sec. 201. Scope and definitions.
Sec. 202. Venue generally.
Sec. 203. Repeal of section 1392.
Sec. 204. Change of venue.
Sec. 205. Effective date.

TITLE I—JURISDICTIONAL IMPROVEMENTS

SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after ''foreign state'' the following: '', except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State''.

SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking ''any State'' and inserting ''every State and foreign state'';

(2) by striking ''the State'' and inserting ''the State or foreign state''; and

(3) by striking all that follows ''party-defendant,'' and inserting ''such insurer shall be deemed a citizen of—

''(A) every State and foreign state of which the insured is a citizen;

''(B) every State and foreign state by which the insurer has been incorporated; and

''(C) the State or foreign state where the insurer has its principal place of business; and''.

SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) ACTIONS REMOVABLE GENERALLY.—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking ''**Actions removable generally**'' and inserting ''**Removal of civil actions**''.

(2) Subsection (a) is amended—

(A) by striking ''(a) Except'' and inserting ''(a) GENERALLY.—Except''; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

''(b) REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

''(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.''.

(4) Subsection (c) is amended to read as follows:

''(c) JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.—(1) If a civil action includes—

''(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

''(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

''(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).''.

(5) Subsection (d) is amended by striking ''(d) Any'' and inserting ''(d) ACTIONS AGAINST FOREIGN STATES.—Any''.

(6) Subsection (e) is amended by striking ''(e)(1) Notwithstanding'' and inserting ''(e) MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding''.

(7) Subsection (f) is amended by striking ''(f) The court'' and inserting ''(f) DERIVATIVE REMOVAL JURISDICTION.—The court''.

(b) PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

''§ 1446. Procedure for removal of civil actions''.

(2) Subsection (a) is amended—

(A) by striking ''(a) A defendant'' and inserting ''(a) GENERALLY.—A defendant''; and

(B) by striking ''or criminal prosecution''.

(3) Subsection (b) is amended—

(A) by striking ''(b) The notice'' and inserting ''(b) REQUIREMENTS; GENERALLY.—(1) The notice''; and

(B) by striking the second paragraph and inserting the following:

''(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

''(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

''(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

''(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.'';

(C) by striking subsection (c) and inserting the following:

''(c) REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

''(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

''(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

''(i) nonmonetary relief; or

''(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

''(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

''(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an 'other paper' under subsection (b)(3).

''(B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).''.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking ''(d) Promptly'' and inserting ''(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly'';

(B) by striking ''thirty days'' each place it appears and inserting ''30 days'';

(C) by striking subsection (e); and

(D) in subsection (f), by striking ''(f) With respect'' and inserting ''(e) COUNTERCLAIM IN 337 PROCEEDING.—With respect''.

(c) PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1454. Procedure for removal of criminal prosecutions

''(a) NOTICE OF REMOVAL.—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

''(b) REQUIREMENTS.—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

''(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

''(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

''(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

''(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

''(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal's custody and deliver a copy of the writ to the clerk of such State court.''.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking ''Actions removable generally'' and inserting ''Removal of civil actions'';

(B) in the item relating to section 1446, by inserting ''of civil actions'' after ''removal''; and

(C) by adding at the end the following new item:

''1454. Procedure for removal of criminal prosecutions.''.

(2) Section 1453(b) of title 28, United States Code, is amended by striking ''1446(b)'' and inserting ''1446(c)(1)''.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

''§ 1390. Scope

''(a) VENUE DEFINED.—As used in this chapter, the term 'venue' refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

''(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

''(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

''1390. Scope.''.

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

''(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

''(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

''(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

''(b) VENUE IN GENERAL.—A civil action may be brought in—

''(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

''(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

''(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

''(c) RESIDENCY.—For all venue purposes—

''(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

''(2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

''(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

''(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.''.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking ''(1)'', ''(2)'', and ''(3)'' and inserting ''(A)'', ''(B)'', and ''(C)'', respectively; and

(ii) by striking ''(e) A civil action'' and inserting the following:

''(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

''(1) IN GENERAL.—A civil action''; and

(B) in the second undesignated paragraph by striking ''The summons and complaint'' and inserting the following:

''(2) SERVICE.—The summons and complaint''.

(3) In subsection (f), by striking ''(f) A civil action'' and inserting ''(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action''.

(4) In subsection (g), by striking ''(g) A civil action'' and inserting ''(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action''.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''or to any district or division to which all parties have consented''; and

(2) in subsection (d), by striking ''As used in this section,'' and inserting ''Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section,''.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 394, the bill currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank Ranking Member CONYERS,

Courts Subcommittee Chairman HOWARD COBLE, Courts Ranking Member COHEN, and former Courts Subcommittee Chairman HANK JOHNSON for cosponsoring the bill.

The Federal Courts Jurisdiction and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court where actions should be brought.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation. The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference to address the judiciary's concerns.

This legislation contains a number of revisions to Federal jurisdictional and venue law. Among the changes, the bill clarifies the definition of citizenship for foreign corporations and domestic corporations doing business abroad; separates the removal provisions governing civil cases and those governing criminal cases into two statutes; and creates a general venue statute that unifies the approach to venue in diversity and Federal question cases, while maintaining current venue standards.

Mr. Speaker, I urge Members to support H.R. 394.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 394 is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing Federal court jurisdiction and venue that have come to light in recent years.

The legislation addresses the inefficient rules which judges have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of analyzing the case's facts and applicable laws. In the 111th Congress, we passed similar legislation in the House on a bipartisan basis. Unfortunately, the Senate was unable to pass it before the end of the 111th Congress.

This legislation is based on studies within the judiciary and consultation from academics and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

I want to thank my friend and sponsor of this bill, Chairman LAMAR SMITH for his continued efforts to strengthen the operations and efficiencies of our Federal judiciary. I urge my colleagues to support this bipartisan legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011." As a Senior Member of the Judiciary Committee, I am pleased to say that H.R. 394 enjoys strong bipartisan support and completes important work that was commenced during the 111th Congress when we considered and passed this bill in its previous form under H.R. 4113. This legislation has been a priority for Judiciary Chairman LAMAR SMITH, Ranking Member JOHN CONYERS and the many members of this chamber who passed this H.R. 4113 in the 111th Congress. Though, we were able to pass H.R. 4113 in the 111th Congress, the Senate was unable to pass it before the end of the 111th Congress. So today, I am pleased that we have the opportunity to consider and pass H.R. 394 at an early stage in the 112th Congress and provide our Senate colleagues with ample time to pass it as well.

As an Attorney and former Judge, I cannot overemphasize the importance of providing our federal judges and members of the legal profession with clear guidelines regarding issues of jurisdiction and venue. Providing our federal courts with clear guidelines on what cases they can hear under their jurisdiction and the proper venue for hearing such cases is central to the fair and efficient administration of justice in our democratic nation which is squarely based upon the rule of law. To that end, H.R. 394, the "Federal Courts Jurisdiction and Venue Clarification Act of 2010", is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing federal court jurisdiction and venue that have come to light in recent years. The legislation addresses inefficient rules which judges themselves have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of focusing on analyzing the important facts and laws applicable to the cases before them. H.R. 394 provides guidance and a solution to this problem.

The legislation is based on studies undertaken within the judiciary, and with consultation from academicians and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

In the 1990s, the Judicial Conference Committee on Federal-State Jurisdiction began to identify recurring problems encountered by litigants and judges in applying certain jurisdictional and venue statutes. Following years of study, and consideration of the American Law Institute's Federal Judicial Code Revision Project (2004), the Committee carefully crafted solutions to these particular areas of confusion, in consultation with law professors. The Conference endorsed those solutions, which this legislation embodies. This Act is necessary to clarify important issues of jurisdiction and venue. The bill is intended to facilitate the administration of justice by bringing more clarity to the operation of jurisdictional and venue statutes, thereby helping to reduce wasteful litigation over certain issues.

Under its Jurisdictional provisions, this bill:

Eliminates the "resident alien proviso" and clarifies that district courts do not have diversity jurisdiction over a claim between a citizen of a state and a permanent resident alien domiciled in the same state;

More clearly defines "citizenship" for foreign corporations and domestic corporations doing business abroad, as well as for direct actions against insurance companies;

Ensures that when a federal question claim is removed along with state law claims that are not within the supplemental jurisdiction of the district court or are otherwise non-removable by statute, the federal question claim will proceed in federal court and such state law claims will be remanded to state court;

Separates the removal provisions governing civil cases and those governing criminal cases into two separate statutes, as well as grouped together removal provisions relating solely to actions based on diversity jurisdiction for ease of reference by litigants;

Codifies current practice that all defendants must join in or consent to removal in order for the action to be removed to federal court;

Clarifies the provisions governing timeliness of removal by giving each defendant 30 days after service to file a notice of removal, while allowing any earlier-served defendants to consent to the removal by the later-served defendant;

Permits removal of a case after one year if a plaintiff has acted in bad faith in order to prevent a defendant from removing the action; and

Allows information learned through discovery indicating that a claim is worth more than the minimum amount in controversy for diversity to trigger a new 30-day period in which to remove.

Under its Venue & Transfer provisions, this bill:

Sets forth a definition of venue and codifies the scope of venue provisions;

Creates a unified approach to venue in both diversity and federal question cases, while maintaining current venue standards;

Eliminates the outdated "local action" rule, which restricts where certain actions involving real property can be brought;

Clarifies that a person is deemed to reside in the judicial district in which that person is domiciled;

Provides that unincorporated associations will be treated the same as incorporated associations for determining venue, so that they will also be regarded as residents of any district in which they are subject to personal jurisdiction;

Eliminates a venue defense for persons residing outside the United States and grants a venue defense to permanent resident aliens with a domicile in the United States;

Allows cases to be transferred, for the convenience of the parties and witnesses and in the interest of justice, to any district or division to which all parties have consented; and

Clarifies that transfers of cases from United States district courts (Article III courts) to territorial district courts (Article IV courts) are not permissible.

This bill will finally address and resolve jurisdiction and venue issues that have wasted the time of our federal judiciary for years and will help bring about more efficient administration of justice. So, I ask my colleagues to stand with me today and vote in favor of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011."

Mr. JOHNSON of Georgia. I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH)

that the House suspend the rules and pass the bill, H.R. 394, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 386) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securing Aircraft Cockpits Against Lasers Act of 2011''.

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39 the following:

''§ 39A. Aiming a laser pointer at an aircraft

''(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

''(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

''(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

''(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

''(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

''(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

''39A. Aiming a laser pointer at an aircraft.''.

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 386, the bill currently under consideration.

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

There was no objection.

□ 1420

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the danger of shining a laser beam into someone's eyes is not news. What is news is the ever-increasing number of incidents of laser pointers being directed at the pilots of commercial and law enforcement aircraft.

In 2005, when a similar measure was passed by this body, this emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009, there were almost 1,600 episodes reported. In 2010, there were over 2,800 incidents reported.

As the Airline Pilots Association has stated in its letter of support for this legislation, ''The inappropriate use of widely available laser pointers against airborne flight crews represents a genuine and growing safety and security concern. At a minimum, the laser illumination of a cockpit creates a flight crew distraction, and in more serious cases, can result in eye damage and temporary incapacitation.''

Mr. Speaker, the danger from shining a laser into the cockpit of any aircraft is truly a tragedy waiting to happen. The ominous prospect of a catastrophe is particularly high during the takeoff and landing stages. Emergency maneuvers to prevent the misperception of midair collisions have also occurred. In one instance, the pilot thought he was about to strike the warning light on a tower. In another case, the laser beam was thought to be the lights of an approaching aircraft.

Law enforcement pilots, unfortunately, are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime in progress due to being hit by a laser.

At the same time, it is an unfortunate fact that some Federal prosecutors have declined to pursue cases, believing that the current Destruction of Aircraft statute does not fit the facts of their particular laser cases. Some States have statutes that have been successfully used to address this problem, but many more do not. H.R. 386 specifically addresses shining a laser pointer into an aircraft cockpit and will make aircraft travel safer for pilots and the public.

It is not only the number of laser pointers being aimed at aircraft cockpits that has dramatically increased during the past several years. The power of the current generation of laser-pointer devices has also significantly increased. Their cost, on the other hand, has gone down, making them much more widely available.

The problem of lasers being shown into cockpits is so prevalent that in my area, the Sacramento area, the FBI, the FAA, and the Federal Air Marshal Service have joined with State and local law enforcement in establishing a Laser Strike Working Group. These working groups have also expanded into other areas of the country.

H.R. 386 provides an important tool in our efforts to enhance the safety of air travel. This body passed identical language by a voice vote at the close of the 111th Congress. It is my hope that all Members will join me in supporting this important legislation.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 386.

This bill establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or in its flight path. Incidents involving lasers aimed at aircraft have raised concerns over the potential threat to aviation safety and national security.

Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots. There is also concern that laser devices can distract or temporarily incapacitate pilots during critical phases of flight.

Lasers pose a safety hazard to flight operations. Even a brief exposure to a relatively low-powered laser beam can cause discomfort and temporary visual impairment. The visual distractions of a laser can cause a pilot to become disoriented or to lose situational awareness while flying. Higher powered laser

devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges.

In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and were incapacitated during critical phases of flight. In one of these cases, after a laser was pointed at the pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea.

These types of incidents happen more and more each year. There were over 2,800 reported incidents of this happening last year, more than double the number of reported incidents from the previous year. Because this is a documented and growing problem and because of the Federal interest in maintaining the safety of our airspace, this bill, unfortunately, is necessary.

I commend the gentleman from California, Representative DAN LUNGREN, for his work on this bill, and I urge my colleagues to support the legislation.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, this is a timely matter. There was a press report just this week that police are trying to find the person who, on Friday morning, pointed a green laser beam both at an airplane and at a news helicopter in the Phoenix area. There have been incidents all around the country. This is not just something that is peculiar to my area; it is something that is increasing in terms of severity and in the number of incidents, so we need to pass this legislation as soon as possible.

I urge my fellow Members to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 386, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Removal Clarification Act of 2011''.

SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''that is'' after ''or criminal prosecution'';

(B) by inserting ''and that is'' after ''in a State court''; and

(C) by inserting ''or directed to'' after ''against''; and

(2) by adding at the end the following:

''(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''.

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''capacity for'' and inserting ''capacity, for or relating to''; and

(B) by striking ''sued''; and

(2) in each of paragraphs (3) and (4), by inserting ''or relating to'' after ''for''.

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

''(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.''.

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting ''1442 or'' before ''1443''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 368, currently under consideration.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2011, sponsored by the gentleman from Georgia (Mr. JOHNSON), primarily amends section 1442 of title 28 of the U.S. Code. This is a statute that allows Federal officers, under limited conditions, to remove cases filed against them in State court to U.S. District Court for disposition.

The purpose of section 1442 is to deny State courts the power to hold Federal officers criminally or civilly liable for acts allegedly performed in the execution of their Federal duties. This does not mean Federal officers can break the law; rather, it just means that these cases are transferred to U.S. District Court for consideration.

Congress wrote the statute because it deems the right to remove under these conditions essential to the preeminence of the Federal Government on those matters entrusted to it under the Constitution. Federal officers or agents, even Members of Congress, should not be forced to answer in a State forum for conduct asserted in the performance of Federal duties.

The Supreme Court weighed in on this matter long ago. As the Court explained in the case of Willingham v. Morgan, the Federal Government can only act through its officers and agents, and they must act within the States. If, when acting and within the scope of their authority, those officers can be arrested and brought to trial in a State court for an alleged offense against the law of the State, yet warranted by the Federal authority they possess; and if the general government is powerless to interfere at once for their protection, the operations of the general government may at any time be arrested at the will of one of its members.

□ 1430

District courts have inconsistently interpreted the statute. Most recently, in March, 2010, the Court of Appeals for the Fifth Circuit upheld a district court ruling in Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery.

Because 46 other States have similar laws, the House General Counsel's Office is concerned that more Federal courts will adopt this logic. The problem occurs when a plaintiff who contemplates suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts now assert that this conduct only anticipates a suit; it is, therefore, not a ''cause of action'' as contemplated by the Federal removal statute.

The problem is compounded because of a separate Federal statute, section 1447 of title 28. Therein it requires U.S. district courts to remand any case back to State court if ''at any time before final judgment it appears that the district court lacks subject matter jurisdiction.''

Judicial review of remand orders under section 1447 is limited and has no application to suits involving Federal officers and section 1442. So this means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court, a result that conflicts with the

history of the Federal removal and remand statutes.

While we passed a predecessor bill last July, the other body developed minor amendments to clarify the text. These changes were vetted with House Judiciary and we endorse them. The revisions improve the bill in two ways. First, the new language stipulates that only Federal issues are removable to Federal court. And second, the text provides that a 30-day removal ''clock'' is triggered either by a request for testimony or documents, or an order enforcing such a request.

In addition, the floor version strikes section 3 of H.R. 368. This is superfluous language that references a favorable CBO score inserted in the CONGRESSIONAL RECORD last year in advance of our consideration of the predecessor bill. Section 3 isn't needed because we have an updated CBO score—also favorable—that applies to this year's bill.

In closing, I would like to thank Congressman JOHNSON for his hard work on this project, and I would urge my colleagues to support H.R. 368.

Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of Georgia. I thank the gentleman from California, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 368, the Removal Clarification Act of 2011, will enable Federal officials to remove cases to Federal court in accordance with the spirit and intent of the Federal officer removal statute, 28 U.S.C. 1442(a). This is a noncontroversial, bipartisan bill. In the 111th Congress, a nearly identical version passed the House under a suspension of the rules and passed the Senate with an amendment by unanimous consent.

Under the Federal officer removal statute, a Federal officer should be able to remove a case from State court to Federal court when it involves the Federal officer's exercise of his or her official responsibilities. The purpose underlying the Federal officer removal statute is to prevent State litigants from interfering with the Federal Government's operations. There is, however, some ambiguity as to whether the Federal officer removal statute applies to State pre-suit discovery procedures. More than 40 States have such procedures, which require individuals to be deposed or respond to discovery requests even when a civil action has not yet been filed. This means that Federal officials can be forced to litigate in State court, undermining the purpose and intent of the Federal officer removal statute.

Courts are split on whether the removal statute applies to pre-suit discovery. Some courts have found that Federal officers cannot remove a proceeding to Federal court when these pre-suit discovery motions are at issue while others have found that such proceedings could be removed. This bill will clarify that Federal officers should be able to remove a proceeding to Federal court any time a legal demand is made for a Federal official's testimony or documents if the officer's exercise of his or her official responsibilities was at issue.

The legislation will also allow a Federal officer to appeal a district court's decision to remand the matter back to the State court, pursuant to 28 U.S.C. 1447. This bill will not result in the removal of the entire State case when a Federal officer is served with a discovery request when the only hook is that a Federal officer has been served with such a discovery request. Rather, the bill we consider today makes clear that ''if there is no other basis for removal, only that discovery proceeding may be removed to the district court.''

Finally, the bill makes clear that the timing requirement under 28 U.S.C. 1446 will not be changed, restating the 30-day requirement for removing the case when the judicial order is sought as well as when the judicial order is enforced.

In closing, I would like to thank Chairman SMITH and Ranking Member CONYERS for working with me on this bill, and I urge my colleagues to support this important bipartisan piece of legislation.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, once again I would like to thank the gentleman from Georgia for bringing this bill to the committee and to the floor. I urge my colleagues to support this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the amendment to H.R. 368, ''The Removal Clarification Act of 2011.''

''The Removal Clarification Act of 2011'' clarifies when a case involving a federal official can be removed from a state court into a federal court. It states that a federal official can remove cases to federal court in accordance with the spirit and intent of the federal officer removal statute. It is also makes clear that the federal officer removal statute applies to all federal officials, including officials of the legislative and executive branch of the Federal government.

The purpose of the law is to take from state courts the indefeasible power to hold a federal officer or agent criminally or civilly liable for an act allegedly performed in the execution of their federal duties. This does not mean federal officers can break the law; it just means that these cases are transferred to U.S. district court for consideration. Federal officers or agents, including congressmen, should not be forced to answer for conduct asserted within their federal duties in a state forum that invites local interests or prejudice to color outcomes. In the absence of this constitutional protection, federal officers, including congressmen and women, would be subject to political harassment and federal operations generally would be needlessly hampered.

H.R. 368, introduced by my colleague Rep. HANK JOHNSON of Georgia, is a non-controversial, bipartisan bill that was passed by the House and passed in the Senate with an amendment at the end if the 111th Congress. Just about a month ago, we considered this bill in the House Judiciary Committee, and it received support from my colleagues on both sides of the aisle.

Currently under 28 U.S.C. 1442(a), federal officials are able to remove a case out of state court and into federal court. However under state per-suit discovery laws, federal officials may be unable to remove the case because a ''civil action'' has not yet been filed.

H.R 368 does not make any changes to the underlying removal law. It simply clarifies 28 U.S.C. 1442(a) by including any proceeding to the extent that in such a proceeding, a judicial order, including a subpoena for testimony or documents, is sought or issued.

In my home state of Texas, there was a recent high profile case, Price v. Johnson, involving a Texas state legal action taken against Rep. JOHNSON, where the removal to federal court was denied by the U.S. District Court. The Fifth Circuit illustrated the importance of better clarity needed in 28 U.S.C. 1442(a). In the 111th Congress, the Judiciary Committee's Subcommittee on Courts and Competition Policy found that case law interpreting the removal statue is not just split among the circuits, but within them as well. Therefore, H.R. 368 is a much needed measure to once and for all settle the confusion amongst rulings in the Federal District Courts.

Currently, there are 47 states that have enacted pre-civil suit discovery statues; H.R. 368 would take into account the operation of these state pre-civil suit discovery statues and provide clarification to prevent more cases like Price v. Johnson from occurring.

H.R. 368 is essential to the integrity and preeminence of the federal government within its realm of authority. This bill will also allow for appeal to the federal court if the district court remands the matter. back to the state court and that the federal defense is also still needed for removal.

I ask my colleagues to please join me in supporting H.R. 368, ''the Removal Clarification Act of 2011.''

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 368, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 347) to correct and simplify the drafting of

section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Restricted Buildings and Grounds Improvement Act of 2011''.

SEC. 2. RESTRICTED BUILDING OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

''§ 1752. Restricted building or grounds

''(a) Whoever—

''(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

''(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

''(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

''(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

''(b) The punishment for a violation of subsection (a) is—

''(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

''(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

''(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

''(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

''(c) In this section—

''(1) the term 'restricted buildings or grounds' means any posted, cordoned off, or otherwise restricted area—

''(A) of the White House or its grounds, or the Vice President's official residence or its grounds;

''(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

''(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

''(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 347 currently under consideration.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Florida (Mr. ROONEY), the author of this bill, a distinguished former member of our Judiciary Committee and one who has just gotten over the mourning period because of his beloved Pittsburgh Steelers.

Mr. ROONEY. I thank the gentleman from California.

Mr. Speaker, the United States Secret Service began providing protective services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. The Service also provides protection at special events of national significance. To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

A key component of the Service's protection mission is securing the buildings and grounds where those protected work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 347 ensures that the Secret Service has the ability to secure all necessary areas surrounding restricted buildings and grounds that house our leaders, their families, and foreign heads of state. This bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so.

□ 1440

Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission. This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 347 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 347, which will assist the Secret Service in performing their protective duties, and it does include the Pittsburgh Steelers organization in the confines of this legislation.

The role of the Secret Service has expanded greatly since it was created in 1865 to fight the counterfeiting of U.S. currency. The Secret Service became part of the Treasury Department in 1883 and took on many additional investigative responsibilities with respect to safeguarding the payment and financial systems of the United States.

It wasn't until 1894 that the Secret Service first started protecting our Presidents, and that protective role with respect to the President, Vice President, and other dignitaries has grown substantially since that time. The bill before us today will help the Secret Service carry out this protective function.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute under—excuse me. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The bill also would add the White House and the Vice President's residence to the definition of restricted areas protected under current law.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and national special security events.

The Secret Service has other important functions which also deserve recognition. For example, the investigative role of the Secret Service has expanded greatly from protecting the currency against counterfeiting to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

I commend the gentleman from Florida, Representative TOM ROONEY, for his work on this bill. I do sympathize with him in his loss. And I urge my colleagues to support H.R. 347.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would ask all Members to support this reasonable legislation.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATTA) at 6 o'clock and 30 minutes p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

FEBRUARY 28, 2011.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the House, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Wilson Woodrow Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

FEBRUARY 28, 2011.

Hon. EDMUND G. BROWN,
Governor of California,
State Capitol, Suite 1173, Sacramento, CA.

DEAR GOVERNOR BROWN: I write to inform you that I will resign my House seat, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Wilson Woodrow Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from California (Ms. HARMAN), the whole number of the House is 433.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 44, FURTHER CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–19) on the resolution (H. Res. 115) providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 394, H.R. 347, and H.R. 368, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 148]

YEAS—402

Ackerman
Adams
Aderholt
Akin
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez

Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—30

Alexander
Carnahan
Castor (FL)
DeGette
Farenthold
Forbes
Giffords
Grijalva
Gutierrez
Hanna
Hinchey
Hinojosa
Holden
Jones
Jordan
Kingston
Lamborn
LaTourette
Marchant
Meeks
Payne
Rohrabacher
Rush
Shuler
Smith (WA)
Tiberi
Towns
Walberg
Wu
Young (FL)

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 30, as follows:

[Roll No. 149]

YEAS—399

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—3

Amash
Broun (GA)
Paul

NOT VOTING—30

Carnahan
Castor (FL)
DeGette
Edwards
Farenthold
Forbes
Giffords
Gutierrez
Hanna
Hinchey
Hinojosa
Holden
Jones
Jordan
Kingston
Lamborn
LaTourette
Marchant
Meeks
Payne
Price (GA)
Rohrabacher
Rush
Shuler
Smith (WA)
Tiberi
Towns
Walberg
Wu
Young (FL)

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 4, not voting 32, as follows:

[Roll No. 150]

YEAS—396

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch

Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
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Terry
Thompson (CA)
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Thompson (PA)
Thornberry
Tierney
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Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—4

Amash
Broun (GA)
McClintock
Paul

NOT VOTING—32

Carnahan
Castor (FL)
DeGette
Farenthold
Forbes
Giffords
Gohmert
Gutierrez
Hanna
Heller
Hinchey
Hinojosa
Holden
Jones
Jordan
Keating
Kingston
Lamborn
LaTourette
Marchant
Meeks
Payne
Poe (TX)
Rohrabacher
Rush
Shuler
Smith (WA)
Tiberi
Towns
Walberg
Wu
Young (FL)

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 9, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE JULIA GILLARD, PRIME MINISTER OF AUSTRALIA

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 9, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Honorable Julia Gillard, Prime Minister of Australia.

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

There was no objection.

□ 1910

RECOGNIZING RONALD BROWN ON HIS 48 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to recognize a man who has served the youth of America in the professional service of the Boy Scouts of America. Ronald Brown currently serves as the Area 6 Director of the Northeast Region Boy Scouts of America. Ron retires on April 1 after an astounding 48 years of service.

Ron's BSA career started in 1963 as a District Executive in Birmingham, Alabama. He has served as a Field Director, Camping Director, Director of Support Services, Director of Field Services, Scout Executive, and Area Director. Ron's service has led him from Alabama to posts in Texas, Illinois, New Jersey, Pennsylvania, and even Germany.

Ron received his bachelor of arts degree in mathematics from Miles College in Birmingham, Alabama. He has been a frequent staff member or instructor at jamborees, camp schools and numerous other BSA training events. Ron Brown has served the youth of this Nation through the Boy Scouts of America with great distinction. I wish Ron and his wife Ann all the best in retirement.

Well done, Scouter.

FLORIDA HIGH SPEED RAIL FUNDING

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker and Members of the House, I rise today very disappointed with the Governor of the State of Florida, Rick Scott. Last week, the Governor told Transportation Secretary LaHood that the State of Florida could do without $2.5 billion in Federal highway funds for rail. This money poses no risk to the people of Florida and would create over 60,000 jobs for Floridians.

Unfortunately, Florida's Governor seems to be much more interested in politics than in creating jobs or improving the transportation system for the great people of Florida. Turning down high speed rail funds would do nothing to bring down Florida's 12 percent unemployment and, in some areas, 15 percent. Indeed, the high speed rail plan for Florida serves as a true example of a successful public-private partnership and, as DOT statistics show, for every $1 billion we spend in rail, it generates 42,000 permanent jobs.

I urge Governor Scott, who has until this Friday, to change his mind and fulfill his campaign promise of ''Let's Get to Work.''

CONGRATULATING MINNETONKA GIRLS' HOCKEY TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Minnesota's 2011 AA State girls' hockey champions, the Minnetonka Skippers. In their first ever tournament appearance, the Skippers skated to victory with an impressive 3–2 win over the Edina Hornets.

After nearly three periods of nail-biting action, with 39.6 seconds left on the clock, Amy Peterson scored her second goal of the game solidifying their place in Minnesota hockey history.

Under the direction of Head Coach Eric Johnson, the Skippers ended their season with a remarkable 29 wins, 1 loss and 1 tie.

The message on the team's T-shirt says it best: ''All Out. All Game. All Season. All It Takes Is All You've Got.'' The Minnetonka girls' hockey team gave it their all, all season. Their talent, dedication and passion truly makes the Minnetonka girls' hockey team champions.

REMEMBERING THURGOOD MARSHALL

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

Mr. COHEN. Mr. Speaker, today is the last day of Black History Month, a month when we reflect back on African Americans who have contributed so much to our country and our world. One man whose life encapsulates the African American struggle was Thurgood Marshall. George Stevens produced a play called ''Thurgood'' at the Kennedy Center. The play has been put to film on HBO. I think it's still available on HBO; at least on demand.

It is the story of a man who was committed to justice. Through the NAACP, he argued Brown v. Board of Education, the most significant civil rights case, maybe the most significant Supreme Court case of all time. He became the first African American solicitor general in this country and the first African American Supreme Court justice and served honorably on that court.

He was a man that never forgot where he came from. His responsibility and duty to see that he carried on justice and the fights that he carried with him as an attorney and on the court to see that social justice and America became the country that was promised in the Constitution and in the Declaration of Independence but had not become except through Supreme Court rulings.

Thank God for Thurgood Marshall. I urge everybody to watch George Stevens' production on HBO and learn about this great man's life.

THE BOOK CLOSES FOR THE LAST DOUGHBOY

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

Mr. POE of Texas. Mr. Speaker, we have come to the end of a long chapter in American history. The lone U.S. survivor of World War I, Frank Buckles, has died at the incredible age of 110.

At 16, Frank Buckles lied about his age so he could join the Army in 1917 and go ''over there'' to fight for the cause of America. He drove an ambulance in World War I in Europe. During World War II, Buckles was captured by the Japanese in the Philippines and held as a prisoner of war for 3 years. Until recently, Buckles continued to drive his tractor on his farm in West Virginia.

It was Buckles' passion to have a memorial built on the Capital Mall to honor all those doughboys that served in the great World War I. We have memorials for the other three major wars of the last century, but not one for World War I.

I met Corporal Buckles when we introduced this legislation that is named in his honor. It is time we build such a memorial, and it is time we also allow Frank Buckles to lie in state in the Capitol Rotunda. History must remember this last patriot of World War I and the 4 million other Americans that served.

And that's just the way it is.

HOUSTON DAY CARE TRAGEDY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, just last week in Houston, Texas, in a private home called Jackie's Day Care, seven babies under 3 years old were subjected to an horrific inferno; a fire. As the caretaker or the owner of this child care facility and as the facts unfold that we believe Federal funding was involved, first there was a representation that she was in the home and had fainted. But over the last 72 hours it was determined that she had gone to the grocery store. Four babies are dead. Two are in a burn unit. And one is fighting for his life in another facility.

I am standing here today—my voice can be heard—to first of all say how many people need day care and have to subject themselves to these kinds of homes. She was 22. Maybe she cared for the children. But right now she has fled the country.

I am asking Ms. Tata to return. I am asking her family members to return so that she can receive justice and so these families can heal. This is not the way to address your responsibility. Four families are burying babies who would have had wonderful futures, who simply attempted to work and have a place safe and secure for them to be. Now they are dead.

Ms. Tata, you're 22 years old. Come back to this country and get in line for the justice you deserve. We are coming after you.

□ 1920

REPUBLICANS' JOBLESS AGENDA

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

Mr. ELLISON. Mr. Speaker, we're now going into the 10th week, having been in Congress in session for many days now—we've actually had 7 weeks where we've actually been in Washington working and another several weeks where we've been at home in our districts working—and we haven't seen one single, solitary Republican jobs bill yet.

My question is, when are they going to get to the business the people elected them for? The Republicans ran on a ''where are the jobs?'' agenda. I remember it ringing in my ears so many weeks ago. And now, here we are 10 weeks in, and they haven't done anything.

Mr. Speaker, I was in my district last week talking to people about jobs and talking about unemployment. I was in the WorkForce Center. I was at job sites talking to people. And I'm telling you, people with jobs are nervous and afraid that they might lose them. And people without them are losing hope. They are losing houses. They are losing their lives, really.

I implore the majority caucus, Mr. Speaker, to get on the question of jobs and stop this Republican ''no jobs'' agenda. It's time to bring some jobs bills to the floor and to heed the call of the American people: Jobs now.

HONORING MAYOR RAE CAROLE ARMSTRONG

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the retirement of Mayor Rae Carole Armstrong of the city of Plantation, Florida. Mayor Armstrong has nearly 30 years of distinguished public service working on behalf of the residents of Plantation and the south Florida community, and we will miss her strong leadership.

Since 1999, Ms. Armstrong has served as mayor of Plantation, promoting and fostering small businesses, revitalizing parks and neighborhoods, and generally enriching the local community. As the first female council member in Plantation—a position she held for 16 years—Rae Carole Armstrong was known for supporting athletic groups and engaging in educational partnerships.

Her special ability to work with a broad array of local interests allowed Mayor Armstrong to shepherd the city into the new millennium while maintaining Plantation's close-knit community appeal. Her coalition-building leadership benefited not only the residents of Plantation, but the entire south Florida community.

In that spirit, all of south Florida thanks her for her many years of service, and we wish her great success in her future endeavors. Thank you, Rae Carol.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, it is really an honor for me to join my colleagues in the Congressional Black Caucus here this evening to recognize Black History Month and some of the people who have written that history through their life contribution, but also to talk about how the cuts the Republicans are proposing to everything except taxes for the wealthy threaten to take us back decades, if not centuries, to a place where America was

not in her finest hour, a time when the poor, the rural, and people of color were denied equal opportunities to education, health care, jobs with decent wages and protections, and the possibility of homeownership. We cannot and must not go back there.

I'd like to invite to start this hour with us a leader in his district in South Carolina, a leader of his faith, of this Congress, and of this country, the assistant minority leader, Congressman JAMES CLYBURN.

Mr. CLYBURN. I thank the gentlelady for yielding me this time, and I want to thank her for organizing this Special Order in honor of Black History Month. But I want to take a few minutes to talk about the future.

Last December, when faced with the prospect that tax rates for the richest 2 percent of Americans would rise to where they were in the 1990s, when we balanced the budget and enjoyed unprecedented prosperity, Republicans decided that extending these unnecessary and unaffordable tax cuts was their number one priority.

As we all remember, they held much-needed relief to the middle class hostage, and they got their tax cut for millionaires and billionaires. According to the Joint Committee on Taxation, this tax is adding $39 billion to the deficit this year and will add even more next year.

Speaker BOEHNER has said that our national debt is a moral issue, and I agree with him. We need to act to curb our exploding deficits and mounting debt. But Republicans and Democrats have different approaches to the problem. The Republicans' approach is the irresponsible continuing resolution that was passed by this House 10 days ago. Republicans would cut $600 million from the COPS program and $256 million from the State and Local Law Enforcement Assistance Program, which would make our streets less safe. Republicans would cut $75 million from the Legal Services Corporation, which would deny legal services to the victims of domestic violence. Republicans would cut $53 million from the Food Safety and Inspection Service, which would threaten public health.

Republicans would completely eliminate family planning funding, which would result in more unplanned pregnancies and more abortions. Adding insult to injury, Republicans would cut $758 million from Women, Infants and Children, which would deny these mothers and children the nutrition they need to begin life on the right track.

Republicans would cut Pell Grants by 15 percent, which would deny young people the opportunity to get a college education. I could go on, but I think you get my point: The cuts in the Republican continuing resolution are shortsighted, counterproductive, and the wrong way to cut the deficit. And the one community, or the communities, that will suffer the most are minority communities in this country, and that includes the black communities, black students, black mothers, and black infants, as well.

Mark Zandi, the former economic adviser to the McCain campaign, said that these cuts will destroy 700,000 jobs and stall our economic recovery, which would lessen future revenues and further exacerbate the debt problem. And a Goldman Sachs' economist warned that the Republican plan could reduce our Nation's economic growth by 1.5 to 2 percent in the second and third quarters of this year.

□ 1930

Maybe I should amend my previous statement: the cuts in the Republican CR are shortsighted, counterproductive, and may not even cut the deficit.

We need a smarter approach. We need an approach of shared sacrifice, not sacrifice by the most vulnerable. We do need to cut the deficit. But there are different ways to cut the deficit, and I believe the Republicans have chosen the wrong way.

Democrats offer a better approach. We can cut the deficit by at least $61 billion in such a manner that helps, doesn't hurt, struggling Americans, our economy, and our shared future. First, as I mentioned before, we need to get rid of, once and for all, the tax cuts for the richest 2 percent of Americans. It is too late to save the $39 billion that we wasted this year, but we could save more than that next year.

Next, I think we need to get rid of special tax preferences for oil and gas companies, many of which were instituted by Republicans the last time they were in the majority. This would save $44 billion over the next 10 years.

There is no good reason to keep these subsidies in place. The oil companies have said themselves that they don't need them. John Hofmeister, the former CEO of Shell Oil, said on February 11, ''In the face of sustained high oil prices it was not an issue—for large companies—of needing the subsidies to entice us into looking for and producing more oil.''

Next, Defense Secretary Gates has called for $78 billion in defense cuts over the next 5 years, saying that these funds can be cut without putting national security at risk. We should listen to him.

I want to thank my friend from the Virgin Islands for allowing me to speak here this evening. I do believe that if we focus on these continuing resolutions that we have been debating, we can have a much better future than the history has been for African Americans in this country.

Mrs. CHRISTENSEN. Thank you, Mr. CLYBURN, and thank you for raising what Zandi reported today. I just want to quote Mark Zandi, the chief economist at Moody's Analytics, who said today, ''Significant government spending restraint is vital, but given the still halting economic recovery, it would be counterproductive for that restraint to begin until the economy is creating enough jobs to bring down the still very high unemployment rate.''

Mr. Speaker, it is my privilege to yield to the immediate past president of the Congressional Black Caucus who led us with great distinction, Congresswoman BARBARA LEE of California.

Ms. LEE. Let me thank the gentlelady for yielding. I also thank you and your staff for coordinating not only this Special Order but each Special Order each and every Monday night, or the first night when we are in session, but especially tonight as we close out Black History Month. This is such an important time for this discussion. I also thank you, Congresswoman CHRISTENSEN, for your visionary and bold leadership as you continue to make history. Truly, you have done remarkable work here in this body.

It is really especially poignant that this year during Black History Month, the Republican leadership has proposed a budget for fiscal year 2011 that will fall most heavily on the backs of the most vulnerable in our society: African Americans, Latinos, and the poor, those who have been shut out of the American Dream.

At a time when we should be remembering and uplifting the accomplishments and contributions of African Americans to the history, culture, civil rights and economy of America, we are literally during this month debating steps that will severely undercut and undermine that legacy.

Can we, Mr. Speaker, cut nearly $750 million from the special supplemental nutrition program for women, infants and children, the WIC program, while we have a record high unemployment rate throughout our country, but especially among African Americans? We can't do that. The unemployment rate among African Americans is over 15 percent. Many African American women rely on WIC while they seek jobs which we are trying to hopefully create.

How can we cut $317 million in funding for vital family planning health services provided through a network of clinics throughout the country that serves nearly one in five women? These programs are vital, not just in saving lives through cancer screening, HIV and STD testing and contraceptive services, but for providing a link for the many poor and low-income women in terms of their link to the public health system. Many of these women are African American women.

And how can we cut nearly $1.1 billion from the Head Start program, which will effectively knock out 200,000 children from participating in this critical early education program which helps provide health, nutritional and support services to prepare children for school? Many African Americans who were part of the Head Start program are now making history in our country because of this great early childhood education program.

The other side has made it clear that no matter who is impacted by these

cuts—women, infants, children, the working poor, people of color, African Americans—their response consists of only three words: So be it.

So be it if 800,000 jobs are lost. So be it if people are put out on the street with no access to homeless assistance grants or temporary housing. So be it if people don't get enough nutritional support or if kids have to go hungry. So be it.

That is not what the civil rights movement was about. We should be working together to build up a nation, instead of tear down the very programs and institutions that have contributed to our Nation's growth and success.

We should be working together to reduce inequality, help the unemployed, and get our economy moving again. Above all, we should be working to create jobs. That's what so many prominent African American leaders have fought for over the years—from those who are well known the world over, like Dr. Martin Luther King, Jr., to people who are sometimes well known just in their own neighborhood.

Tonight there is one person I want to mention who influenced my life and the direction I took, our late beloved former Congresswoman Shirley Anita Chisholm.

In 1968, Congresswoman Shirley Chisholm was the first African American woman elected to Congress, and she was a founding member of the Congressional Black Caucus. We celebrate, this year, 40 years of this great institution in our Congress, the conscience of the Congress.

It is the 42nd anniversary of the election of Congresswoman Chisholm who represented her Brooklyn-based congressional district with grace and distinction for 14 years, earning a reputation as one of the House's most eloquent orators and greatest champions of human rights, social and economic justice.

In 1972, Congresswoman Chisholm again made history when she became the first African American to run for the Presidential nomination of a major party. That campaign captured the imagination of millions and inspired countless individuals to engage in the political process for the first time. And I know for a fact that Congresswoman Shirley Chisholm paved the way for our great President Obama to be able to win the Presidency 2 years ago.

Congresswoman Chisholm was a catalyst for change, giving voice to the overlooked and underrepresented members of our society: people of color, women, children, and the African American community. And she fought for the unemployed. She fought for those who wanted to work; for those who were seeking the American Dream. I can't help but wonder what she would say right now if she knew this was taking place. I'm sure she does know this is taking place, and I can feel her telling us that we have to fight the good fight because her legacy is so important within the context of creating jobs that we are trying to do for our country.

Later this week, I will be introducing two pieces of legislation to honor the work of Congresswoman Shirley Chisholm. The first would recognize and celebrate the 42nd anniversary of her election to Congress, and the second would call on the Postal Service to issue a commemorative stamp honoring the life and accomplishments of Congresswoman Chisholm. I urge my colleagues on both sides of the aisle to support these bills.

As we work to finalize funding for the 2011 fiscal year, let us remember that budgets are moral documents. And as Congresswoman Chisholm said: ''When morality comes up against profit, it is seldom that profit loses.'' So we have to stand up for morality.

Reverend Jim Wallis and Sojourners challenged us. They asked us: What would Jesus cut? Programs to help the poor or wasteful weapons systems at the Pentagon? Ending the war in Afghanistan or programs to feed and shelter the poor?

This weekend, once again, I will be participating in the Faith and Politics Civil Rights Pilgrimage. We are going to Selma, Montgomery, and Birmingham, Alabama, the epicenter of the civil rights movement. We will be led by our hero, a warrior, a great civil rights leader, our colleague, Congressman JOHN LEWIS, who sacrificed so much for civil and human rights and economic justice.

I have participated in this pilgrimage many times, and I always feel a sense of gratitude to Congressman LEWIS and to Rosa Parks and to Dr. King, to Shirley Chisholm, to all of those who fought so hard for equality and jobs and freedom.

□ 1940

This year, however, I feel that many of these gains, mind you, that all of our great civil rights leaders fought for are about to be eroded due to the increasing income inequality and the reckless budget cuts, which will gut so much in the way of our country's response to the civil rights movement. So, as Republicans fight us so hard to enact budget cuts that will destroy nearly 800,000 jobs, be assured that, in honoring the legacy of our great black leaders, we will fight back.

Thank you.

Mrs. CHRISTENSEN. Thank you very much, Congresswoman LEE, for your leadership and for joining us this evening.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, before I recognize the next Member, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material to the subject under discussion this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Now it is my honor to yield to the gentleman from Texas, a person who has long been a fighter for equality, fairness and justice, not only in his own State but for this country, the Honorable AL GREEN of Texas.

Mr. AL GREEN of Texas. Thank you very much, the Honorable DONNA CHRISTENSEN. I appreciate greatly your organizing this opportunity for us to speak this evening on something that is exceedingly important to this country, and that is the history of African Americans in America.

African Americans are no different than any other Americans. We are all the same. There is only one race—the human race.

To a certain extent, I always have some degree of consternation whenever we have a black history celebration or occasion such as this. I have this degree of consternation because I really think we should just have one history, and it really should be American history; but we have these occasions because some of the accomplishments of some Americans have not been properly acknowledged, and as a result, we want to make sure that American history includes the history of all Americans.

So we talk about the history of African Americans, the history of Africans in the Americas—in the United States of America, if you will. Many names come to mind. We always mention Thurgood Marshall. We always mention Rosa Parks. We always mention the great heroes and heroines who have been on the forefront of making America great.

Today, I would just like to mention nameless faces, persons who have never made headlines, who work full time, who take care of the family, who pay taxes, who have never complained by way of a protest, a march. They have done their duty as citizens in this country, and I want them to know that there are those of us who pay attention to the fact that they, too, have made America great. They are nameless faces in the crowd, but they have made a great statement by being honorable, hardworking, law-abiding citizens.

To those who continue to do their duty as citizens, we thank you for what you have done. We want you to know that we who have been honored to serve in the Congress of the United States of America will not allow the rollback of the clock on many of the programs that are of benefit to all Americans. This will include, of course, those of benefit to African Americans.

We will fight to protect the Department of Education. It means something to have a Department of Education in this country, especially to persons who at one time were lawfully denied the right to get an education. We will fight to protect laws that fight discrimination. Lilly Ledbetter v. Goodyear involved an Anglo lady, but that case had implications far beyond any given ethnic group. We will fight to make sure

all persons are treated equally on jobs, and this includes African Americans.

So, to those of you who work in the trenches, who never or who rarely, if ever, complain, I want you to know that there are people in this Congress who are working every day to make sure that your status as an American is always protected and will always be honored. You, too, deserve the rich and noble history associated with you that we associate with Rosa Parks, that we associate with Dr. King, that we associate with Thurgood Marshall. You are as much a part of this history as they are. We honor you and we love you.

God bless you and God bless all Americans. God bless the United States of America.

Mrs. CHRISTENSEN. Thank you, Congressman GREEN.

At this time, I would like to yield to one of our newer Members. We are so pleased that he has joined not only the Congressional Black Caucus but the Congress. He represents New Orleans and brings welcomed insights and energy to the CBC and to the Congress.

Congressman CEDRIC RICHMOND of New Orleans.

Mr. RICHMOND. Mr. Speaker, I would like to thank the distinguished gentlelady from the Virgin Islands, who I have the pleasure of serving with and who has done a remarkable job in planning our hour today, which not only celebrates and reflects but which also charts a path for this future that includes everyone.

As we come to the close of Black History Month, it is appropriate that I remind our leadership and the American people of the sacrifice and determination of great American heroes to make this country a better place and the land of opportunity for all Americans. I would also like to remind our leadership that we don't honor Dr. King because of his dream. We honor him because of his hard work and his dedication in pursuing his dream. His last call was for economic justice.

Here we are in 2011 with a 9.6 percent unemployment rate in this country. However, in the African American community, that unemployment rate is 15.8 percent. We must ask why such a huge gap and what we are going to do to close that gap and bring unemployment down for everyone. At this time and at this moment, we need King-like determination; we need King-like courage; and we need a King-like vision to create jobs in this country, not more campaign rhetoric.

My colleagues on the other side of the aisle, show me the jobs. Show the American people the jobs.

The continuing resolution that the Republicans offer will not lower the unemployment rate in this country. It will do quite the opposite. The continuing resolution will eliminate 700,000 jobs. If their plan passes, then 700,000 more Americans will face financial uncertainty. That's 700,000 more families who will depend on unemployment benefits to make ends meet. That's 700,000 more families who will turn to safety-net programs to make it through the tough times. That's 700,000 more families who might now face bankruptcy.

Those 700,000 Americans are demanding that we show them the jobs. I am here and willing to do that. I now invite my Republican colleagues to join my colleagues on my side of the aisle to do just what the American people are asking.

The House Speaker recently stated that the deficit is a moral threat to the Nation, and I agree. I would also add that abandoning the 24 million Americans who are unemployed or underemployed is a moral crime. Cutting 700,000 jobs in one fatal swoop is a moral crime. Balancing the budget on the backs of working folks is a moral crime.

Mr. Speaker, this Republican continuing resolution is not only a path to family bankruptcies; it is, in itself, an irresponsible plan that is morally bankrupt.

□ 1950

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND, for your contribution to this Black History Month Special Order and for pointing out the injustice in H.R. 1 and the proposed stopgap measure for the next 2 weeks.

At this time, I would like to yield to the gentlewoman from Texas, a person much admired by everyone across this country, who represents her district, this Congress, and this country with outstanding distinction, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands. And I will join the accolades of my fellow colleagues to express my appreciation for her leadership, and as well to thank her for leading this 1-hour on the celebration of African American History Month.

I stand to acknowledge that all of us who have this wonderful heritage—and those who do not, who count African Americans as an integral part of the fabric of American culture and society—should really commemorate the history of all people—and certainly, in this instance, of African Americans—the entire year because we are a very relevant and elaborate, if you will, part of American history.

I stand in the United States Capitol, which was built by slaves. Today, Congresswoman, I was in Austin, Texas, this morning, at the Texas Black Legislative Caucus where some 2,000 people gathered under the leadership of the Texas Black Legislature chaired by Representative Sylvester Turner and some members, total members of the Texas Black Legislative Caucus, combined of the House and the Senate. They were there to express their commitment to the values of this country and to lobby the State legislators to do the right thing as it relates to education. And I heard a Member stand up and say that the Texas Capitol was built by slaves. Representative Thompson said that. And so, clearly, our history goes everywhere.

And as I spoke, I mentioned Texans like Jack Johnson, the first African American heavyweight champion; Dorie Miller, who won the Naval Cross in World War II, a Texan; Bessie Coleman, the first African American to receive a pilot's license; Heman Sweatt, who was the reason for the establishment of Texas Southern University when African Americans—Negroes—could not go to the University of Texas.

So we have a place in this country, a place in this society. And what we do, as we work in the United States Congress, we have become part of the fabric of this Nation and we fight for all people. And so as we begin this budget fight, it is part of our history that causes us to be part of the challenge to make the right decisions on the continuing resolution and to ask our Republicans to read what Mark Zandi has said, the economic advisor to JOHN MCCAIN—not to President Obama, but to JOHN MCCAIN first—who said clearly that we would lose 700,000 jobs if we move in the direction that they want to move in.

Why do you have to have your way or the highway? Why can't you read the data that says—the fiscal bipartisan commission said there is no value to cutting funding in 2011, that we must work together to cut the funding and work together on how it should be cut in 2012 and 2013; that you actually will lose jobs; and that you will stop the moving of the economy, the rebirth of the economy in its tracks. It doesn't make sense to simply be driven and shackled to campaign promises. It doesn't make sense to be able to speak campaign speeches and yet not understand the distinction of governing.

When you come into this body—yes, we have districts, the Senators have States, but we must realize that we come to govern for all of the people. And so if you stop us in our tracks, you deny the richness of diversity of people who are in need in this country. You deny the descendants of slaves. You deny the families of soldiers who are on food stamps and are in Iraq and Afghanistan the opportunity to be able to survive. You take some $758 million from WIC, women and infant children. You deny dollars going to economic development for minority businesses. You cut COPS by 600 or so million dollars. You take away some $2 billion from programs that would generate economic opportunity. You cut the legal services. And you are obviously not concerned about how we balance this. This is in the middle of the budget year of 2011.

And so this is not befitting of the final day of African American history, a generation of people who came through the Civil War, Reconstruction, Jim Crow, the second reconstruction—which is the civil rights movement. And now they have traveled a journey,

being Americans, fighting in wars, and not yet 150 years away from slavery, and here we are fighting to equalize opportunities for all Americans. Because if you cut education, if you cut women and infant children, if you cut small business opportunities, minority and women-owned businesses, you are cutting into the future of this country.

We know this is a lopsided process; 16 to 18 percent of the budget and you're trying to get a way to bring down a $1 trillion-plus deficit, if you will—trillions-plus deficit. And so my plea in this process as we go forward is to remember some of our heroes. Barbara Jordan was a Member of this body. Her birthday was celebrated on February 25. Her 75th year we are celebrating in Houston. And she reminded us that the people drive the Constitution, but that those of us of African American heritage were not in fact citizens as this Constitution was written, nor did women have an opportunity to vote during that time, but now we come asking that we do work together and that we be reminded of her words, ''we the people.'' And ''we the people'' includes all people. It is not the Democratic Party, the Republican Party, the tea party. It's all the people doing what is best for all of the people. That's the message of African American history, striving to make America better as we cite these great icons who went against the odds.

I pay tribute, in closing, to Ruth Carroll, who passed just a few days ago, a friend of my dear friends, Dr. Natalie Carroll Dailey and Warren Dailey. As I read her obituary—she'll be funeralized tomorrow—close to 93 years old; born in 1918; born to two parents who died 1 year and 2 years after her birth; raised by grandparents; blinded at a very early age by an ophthalmologist who I guess accidentally put acid in her eyes. And then she had to go to the deaf, dumb, and blind school. She graduated magna cum laude—it might have been summa if I'm recalling correctly—but she went on to become a premier educator. She went to the University of Denver in Colorado, worked at the University of Texas, places that were segregated, got her graduate degree and became involved in library science, cataloged large libraries; someone who overcame obstacles.

Congresswoman, my tribute tonight is for African Americans who every day overcome obstacles. That is because they believe in the values of this country. And that is because they believe that, through any mountain or any valley, as Martin Luther King told us about the Promised Land, that we could overcome.

I'm asking my colleagues, as we begin to debate this CR, don't look at us as outsiders, people who are always talking of something that you might not understand or comprehend. Look at us as Americans who have a stake in this country, whose history is embedded in this country. Let us work together. Don't lopside a cut that hurts one population versus the other. Remember, 150 years—minimally—out of slavery, African Americans, new immigrants who are working every day, who are in the United States military.

So let me just thank the gentlelady for yielding, and thank you for allowing me to speak to the warriors who overcame adversity and contributed to this society. My commitment to them is that we will fight for fairness and justice in this House and a way to reduce the deficit, but fight for those who cannot speak for themselves.

I salute African American History Month, and I yield back.

□ 2000

Mrs. CHRISTENSEN. Thank you. And I'm sure they are inspired by the eloquence of your tribute to them.

And before I speak briefly on the proposed 2-week CR, I want to tell my colleagues and my fellow Americans about the first black millionaire. It's my contribution to the Black History Month Special Order this evening. His name was William Alexander Leidesdorff, and he was born in my home island of St. Croix, which was then part of the Danish West Indies. The bicentennial of his birth was celebrated last year.

His family started out poor. He ended up having to go to Denmark to get an education, and he was an immigrant to this country which had not yet bought the Virgin Islands. Yet through education, enterprise, and the opportunity to use that enterprise, he is credited with not only having become the first black millionaire but, more importantly, was named the African Founding Father of California. He also specifically played a major role in the development of the city of San Francisco.

Today, if one is an immigrant, there is no welcome in this country of immigrants, and they are denied access to programs that would help them to transition into this country.

Today, if one is poor, the cuts in the Republican-passed H.R. 1, the cuts to community programs, health centers, access to higher education, job training, and the support for the health of mothers and babies would ensure that the uneducated, the unhealthy, the jobless, and the poor stay that way. There will be few, if any, Leidesdorffs. Not even a black ''thousandaire'' if the tea party-led Republican majority has their way.

What has happened to the inalienable right to life, liberty, and the pursuit of happiness? Does the Republican majority plan to cut that, too, out of the Declaration of Independence?

So here we are just 5 days away—4, really—from a government shutdown if we can't agree on how to pay to keep the government open for the next 7 months. The best, the simplest, and the fairest way to do that, in my opinion, in the middle of a fiscal year when departments are carrying out plans and programs to improve and protect the lives of those who live and work in this country is to continue the spending at last year's levels—no increases, just last year's levels. That essentially adds nothing to the deficit, and most importantly, it does not destroy the small gains we have been making in bringing this country out of a deep and painful recession.

Countless reputable economists, like Zandi, who's been quoted frequently here this evening, have told us over and over again now is not the time to cut the spending that's required to stabilize and begin to grow our economy again. If the Republican majority is successful with the cuts they want to make, they will destroy hundreds of thousands of jobs and make the already bad situation that they and President Bush created even worse for the American people who are depending on us to bring them relief.

What's happening is that the majority is pretty much demanding that the rest of us accept $4 billion in cuts over the next 2 weeks in order to keep the government from shutting down. And they do have the votes, especially in this body.

In that $4 billion, education takes an over $500 million cut in funding in just 2 weeks. Some of these programs the President plans to end next year. And while I'm withholding judgment on that decision, ending them now means the people working in those programs may be out of work if these cuts are continued. These programs include school improvement, safe schools, and higher education programs. Other cuts are proposed for reading and literacy programs and some that work to improve academic achievement.

I suspect that these programs really need a ''mend but don't end'' approach, because we need to improve literacy and achievement if we are to produce the number of scientists, engineers, and other workers and entrepreneurs this country will need to win the future.

Given the instability in the Middle East and the terrible turn that pirating has taken, can we afford to cut $245 million in the Homeland Security programs even for just 2 weeks? I don't think so. And I am sure the American people we have sworn to protect don't think so either. Coast Guard operations? Customs and Border Patrol salaries and construction projects? All of that sounds like less security and the possibility of more people out of work to me.

FEMA disaster mitigation grants? Emergency operations money? We were to have 70-mile-per-hour winds here in Washington this evening. Storms and tornadoes will not necessarily stop for 2 weeks because the Republicans have to kowtow to the tea party.

In just 2 weeks, there would be an almost $200 million cut in HUD neighborhood and economic development grants. Just in the 2 weeks. And almost $50 million in job training and unemployment services will be cut. With over 9 percent unemployment in many places, some in the double digits, and

in the middle of a recession that has shown no mercy to the poor and the middle class, I guess there will be no mercy from this body's leadership either.

I left health for last on this stopgap measure where I count over $460 million in cuts in these 2 weeks. Close to $400 million of that comes from the agency that provides services, treatment, and trains health professionals. And if the cuts to WIC and Maternal and Child Health were not enough in H.R. 1, children's programs have again been the targets of cuts, including programs in special education. And there would be a $6 million cut from the Administration on Aging.

I don't understand it. If we're not placing a priority on taking care of our children and elderly, what kind of country are we?

So I say to my colleagues on the other side of the aisle: This country's in trouble. It's time to end the politics and do not only what the economists tell us we ought to do, but, more importantly, we need to come together and do what is right. These cuts are not right—not for 2 weeks and not for the rest of this year.

We really need to put the welfare of the American people in our country ahead of party politics. The times require it, and our people expect it.

You know, I think we ought to change the word ''spending'' and call it ''investment,'' because that's what it really is. Investment is something that's understood and supported, and it's what is on the chopping block.

Investing, not just spending for spending's sake, is what Democrats began to do in the last two Congresses—to invest in health for all Americans, in equal opportunity to a quality education; investing in restoring jobs and building a healthier economy; investing in cleaning up a polluted and unhealthy environment; investing in a better future for us and our children and in a better, stronger, more competitive United States in this world.

We want to win the future.

The Republican agenda looks to the past, not the future. It looks to the past to continue the economic policies that ran our economy into the ground in the first place. It looks to the past to focus on the programs they have long hated: EPA regulations, health care reform that is finally making it possible for many to become insured and secure in that insurance, community programs that help poor areas of our country have a fair shot of just surviving, programs that lift our spirits and call forth our better selves—the arts, the humanities, public broadcasting.

And believe it or not, they're cutting programs like WIC, Head Start, and Maternal and Child Health. We had to fight for these programs every year during the administration of George W. Bush, and so it's no accident that we're fighting for them again.

This whole agenda is not about cutting spending at all. It's a facade for what they are really trying to do; that is, gutting the programs they and their supporters love to hate. And in pursuing this agenda, they are putting the slow recovery that still has to reach urban and rural Main Street in jeopardy, putting us in jeopardy of reverting back to where we started earlier this year, to where their policies took us in 2009, a place that no one wants to go back to.

And my friends, not one thing has this Republican majority done about the biggest crisis facing our country and its families: the economy and jobs.

Talk about the job-killing act of 2011. Well, that was not health care reform, which is actually the biggest job creator we have passed in recent years. The winners in that category clearly are the CR that was forced through this Congress 2 weeks ago and this 2-week stopgap that would cut the Federal budget by $4 billion.

What we need is a clean CR at 2010 levels to the end of this fiscal year so that we can begin to focus on the 2012 budget, which is the more appropriate place to look at deficit reduction and which is due in less than 2 months.

Let me say a word about what their Governors are doing. It doesn't take 20/20 vision to see that this is a coordinated effort. Unions, which created our middle class in the first place, have always been one of the Republicans' targets. The war against the poor and middle class is not just being fought in Washington, my friends, but also in the States by Republican Governors.

□ 2010

Lastly, please don't let our Republican colleagues fool anyone into thinking that Social Security or Medicare needs to be addressed as part of our need to reduce the deficit. They do not. But they too have always been in their bull's-eye. We need to do what is necessary to protect them for the future generations.

But colleagues on the other side of the aisle, we have seen some of your plans to weaken these vital programs. But seniors, the disabled, and we Democrats want to make sure that the tea party and the Republicans keep their hands off Social Security and Medicare.

Black history is not just the commemoration of how far African Americans have come, but also how far this country has come. Most importantly, it is a reminder that we both still have more to do and further to go. Today's Republican agenda for this country threatens to erase all of the gains we celebrate this month, to put up roadblocks in our road to progress, roadblocks to a better future for all Americans, and to ensuring that this country we love regains and retains its number one position in the world. It's time to stop the madness and time to work together to continue to build a stronger America, one child, one family, one community at a time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker I rise today to honor Black History Month.

In February of each year, we recognize the many contributions of African Americans throughout this Nation. It brings to life a rich and vibrant history that was all too often left untold.

Although African Americans were an integral part of the founding of this Nation, it was not until the 20th century that they gained any respectable recognition in our history books. Prior to Carter G. Woodson's passionate efforts to write African Americans into the history of the United States, books largely ignored the African American population except in the context of slavery. That is why it is so important that the full history of African Americans continues to be taught and preserved in order that future generations from all reaches of America will understand our rich heritage.

African Americans have made significant contributions throughout history, and it is clear that we continue to build that rich legacy today. As our nation moves forward, we must never forget the great pioneers of scientific innovation, writing, music, philosophy, and politics. Honoring these contributions through Black History Month has allowed us to expand educational opportunities, enhance economic stability, workforce advancement and training, and community involvement.

Today, we find ourselves facing economic uncertainty. However, we must not lose sight of our current accomplishments and continued progress. The current budget proposal led by Republicans seeks to cut spending without any regard to our economy or the needs of the American people. The proposed budget diminishes our investments in education, job creation, and future innovation. I believe that we can and must do better to serve all Americans. We must fight against immoral and unwise cuts to our budget in order to preserve the heritage of African Americans as well as the United States as a whole.

Black History Month has not only set a precedent by honoring the achievements of African Americans, but it has also paved the way for other nationwide celebrations honoring the contributions of other important races and cultures. Now, we must look to our youth to carry on our history and to create their own legacy.

Long before the election of more than a hundred African Americans to the U.S. Congress, African Americans made a large contribution to our Nation's Capitol by building the Capitol itself as slaves.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

Mr. JONES (at the request of Mr. CANTOR) for today on account of illness.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and March 1 on account of attending the wake and funeral of a fallen police officer.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON FINANCIAL SERVICES FOR THE 112TH CONGRESS

U.S. HOUSE OF REPRESENATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, February 25, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Herewith, I am submitting the rules of the Committee on Financial Services, as favorably adopted, on January 25, 2011.

Please do not hesitate to contact me or Natalie McGarry of my staff should you need anything further.

Sincerely,

SPENCER BACHUS,
Chairman.

RULE 1. GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the ''Committee'') and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least three calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least three calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) At least 24 hours prior to the commencement of a meeting for the markup of legislation, the Chair shall cause the text of such legislation to be made publicly available in electronic form.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee or by the Chair with the concurrence of the ranking minority member.

RULE 3. MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) To the extent feasible, members and witnesses may use the Committee equipment for the purpose of presenting information electronically during a meeting or hearing provided the information is transmitted to the appropriate Committee staff in an appropriate electronic format at least one business day before the meeting or hearing so as to ensure display capacity and quality. The content of all materials must relate to the pending business of the Committee and conform to the rules of the House. The confidentiality of the material will be maintained by the technical staff until its official presentation to the Committee members. For the purposes of maintaining the official records of the committee, printed copies of all materials presented, to the extent practicable, must accompany the presentations.

(6) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In addition to any other requirement of these rules or the Rules of the House, including clause 2(e)(1)(B) of rule XI, the Chair shall make the record of the votes on any question on which a record vote is demanded publicly available for inspection at the offices of the Committee and in electronic form on the Committee's Web site not later than one business day after such vote is taken. Such record shall include in electronic form the text of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting. With respect to any record vote on any motion to report or record vote on any amendment, a record of such votes shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members of the committee present but not voting.

(5) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) 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.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. At the same time the Chair provides the information required by the preceding sentence, the Chair shall also provide to the members of the Committee a final list consisting of the names of each witness who is to appear before the Committee at that hearing. The witness list may not be modified within 24 hours of a hearing, unless the Chair, with the concurrence of the ranking minority member, determines there is good cause for such modification.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee

two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant hereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years. Such disclosure statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of five minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) COMMEMORATIVE MEDALS AND COINS.—It shall not be in order for the Subcommittee on Domestic Monetary Policy and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than five years and not more than twenty five years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) TESTIMONY OF CERTAIN OFFICIALS.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

(B) Notwithstanding subsection (a)(4), at any hearing of the Committee for the purpose of receiving testimony (other than testimony described in clause (i) or (ii) of subparagraph (A)), the Chair may, after consultation with the ranking minority member, limit the duration of opening statements to ten minutes, to be divided between the Chair and Chair of the pertinent subcommittee, or the Chair's designees, and ten minutes, to be controlled by the ranking minority member, or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chairman and ranking minority member, to be divided at the discretion of the Chair or ranking minority member. The Chair shall provide that the opening statements for all members of the Committee shall be made a part of the hearing record.

(C) At any hearing of a subcommittee, the Chair of the subcommittee may, in consultation with the ranking minority member of the subcommittee, limit the duration of opening statements to ten minutes, to be divided between the Subcommittee Chair or Chair's designees and ten minutes, to be controlled by the ranking minority member of the Subcommittee or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chair of the subcommittee and ranking minority member of the subcommittee, to be divided at the discretion of the Chair of the subcommittee or ranking minority member of the subcommittee. The Chair of the subcommittee shall ensure that opening statements for all members shall be made a part of the hearing record.

(D) If the Chair and ranking minority member acting jointly determine that extraordinary circumstances exist necessitating allowing members to make opening statements, subparagraphs (B) or (C), as the case may be, shall not apply to such hearing.

RULE 4. PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.''

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chair considers it appropriate.

RULE 5. SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be six subcommittees of the Committee as follows:

(A) SUBCOMMITTEE ON CAPITAL MARKETS AND GOVERNMENT SPONSORED ENTERPRISES.—The jurisdiction of the Subcommittee on Capital Markets and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including business capital formation and venture capital;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) the Securities and Exchange Commission;

(v) secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(vi) the Federal Housing Finance Agency; and

(vii) the Federal Home Loan Banks.

(B) SUBCOMMITTEE ON DOMESTIC MONETARY POLICY AND TECHNOLOGY.—The jurisdiction of the Subcommittee on Domestic Monetary Policy and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and,

(vi) development of new or alternative forms of currency.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all matters related to the Bureau of Consumer Financial Protection;

(iii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iv) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(v) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(vi) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(viii) deposit insurance; and

(ix) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON INSURANCE, HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Insurance, Housing and Community Opportunity includes—

(i) insurance generally; terrorism risk insurance; private mortgage insurance; government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; the Federal Insurance Office;

(ii) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(iii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales; and,

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON INTERNATIONAL MONETARY POLICY AND TRADE.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(F) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets and Government Sponsored Enterprises shall be comprised of 35 members, 20 elected by the majority caucus and 15 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy and Technology shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 30 members, 17 elected by the majority caucus and 13 elected by the minority caucus.

(D) The Subcommittee on Insurance, Housing and Community Opportunity shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6. STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other 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) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7. BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8. COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available in electronic form and for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Audio and Video Coverage of Committee Hearings and Meetings

(c)(1) To the maximum extent feasible, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and,

(2) maintain the recordings of such coverage in a manner that is easily accessible to the public.

RULES OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM FOR THE 112TH CONGRESS

RULE 1—APPLICATION OF RULES

Except where the terms ''full committee'' and ''subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Oversight and Government Reform and its subcommittees as well as to the respective chairs and ranking minority members.

RULE 2—MEETINGS

The regular meetings of the full committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee pursuant to the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairs. Every member of the committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining: (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 3—QUORUMS

(a) A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one third of the members shall form a quorum for taking any action other than for which the presence of a majority of the committee is otherwise required. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

(b) The chairman of the full committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the full committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. Members appointed to such temporary positions shall not be voting members. The chairman shall give reasonable notice of such temporary assignment to the ranking minority members of the committee.

RULE 4—COMMITTEE REPORTS

(a) Bills and resolutions approved by the full committee shall be reported by the chairman pursuant to House Rule XIII, clauses 2–4.

(b) A proposed investigative or oversight report shall not be considered in the committee unless the proposed report has been available to the members of the committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings printed and available to the members of the committee before the consideration of the proposed report in the committee.

(c) Every investigative or oversight report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. If at the time of approval of such a report a member of the committee gives notice of intent to file supplemental, minority, or additional views that member shall be entitled to file such views following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1).

(d) Only those investigative or oversight reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5—RECORD VOTES

(a) A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

(b) Pursuant to House Rule XI, clause 2(h)(4), the chairman is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time 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. After consultation with the ranking minority member, the chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

RULE 6—SUBCOMMITTEES; REFERRALS

(a) There shall be seven standing subcommittees with appropriate party ratios. The chairman shall assign members to the subcommittees. Minority party assignments shall be made only with the concurrence of

the ranking minority member. The subcommittees shall have the following fixed jurisdictions:

(1) The Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy—Legislative jurisdiction over the federal civil service and the U.S. Postal Service. The Subcommittee also has oversight jurisdiction over labor policy;

(2) The Subcommittee on Government Organization, Efficiency and Financial Management—Legislative jurisdiction over government management and accounting measures, the economy, efficiency, and management of government operations and activities (other than procurement and data standards), federal property, and reorganizations of the executive branch;

(3) The Subcommittee on Health Care, District of Columbia, Census and the National Archives—Legislative jurisdiction over drug policy, the District of Columbia, the Census Bureau, and federal records (including the National Archives and Records Administration and the Presidential Records Act). The subcommittee also has oversight jurisdiction over federal health care policy, food and drug safety, public support for the arts, libraries and museums, criminal justice, and transportation;

(4) The Subcommittee on National Security, Homeland Defense and Foreign Operations—Oversight jurisdiction over national security, homeland security, foreign operations, immigration, and emergency management;

(5) The Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending—Legislative jurisdiction over federal paperwork reduction, data quality, and the Office of Information and Regulatory Affairs. The Subcommittee also has oversight jurisdiction over regulatory affairs, stimulus policy, federal spending, education, agriculture, and communications policy;

(6) The Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs—Oversight jurisdiction over financial and monetary policy, banking, housing, and insurance regulation, financial crisis and rescues, and tax policy; and

(7) The Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform—Legislative jurisdiction over public information, including the Freedom of Information Act and Federal Advisory Committee Act, federal information technology and data standards, procurement and grant reform, the relationship between the federal government and states and municipalities, including unfunded mandates. The subcommittee also has oversight jurisdiction over public broadcasting.

(b) Bills, resolutions. and other matters shall be expeditiously referred by the chairman to subcommittees for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be re-referred or discharged by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein.

(c) The chairman and the ranking minority member of the full committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 7—SUBCOMMITTEE SCHEDULING

(a) Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full committee on any measure or matter referred to it.

(b) No subcommittee may meet or hold a hearing at the same time as a meeting or hearing of the full committee.

(c) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the full committee chairman with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of committee meetings or hearings.

(d) Each subcommittee chair shall notify the chairman of any hearing plans at least two weeks before the date of commencement of the hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent the chair is advised thereof, witnesses whom the minority members may request.

RULE 8—STAFF

(a) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the committee,

(b) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he or she may assign.

RULE 9—HEARINGS

(a) A committee member may question witnesses only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 20)(2), the five-minute rule shall apply during the questioning of witnesses in a hearing. The chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(b) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(c) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) Nothing in paragraph (b) or (c) affects the rights of a member (other than a member designated under paragraph (b)) to question a witness for 5 minutes in accordance with paragraph (a) after the questioning permitted under paragraph (b) or (c). In any extended questioning permitted under paragraph (b) or (c), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff, and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (c) to members.

(e) Hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the Committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

(f) Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance. Witnesses appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years, by the witness or by an entity represented by the witness.

(g) The chairman or any member designated by the chairman may administer oaths to any witness before the committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: ''Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?''.

RULE—10 COMMITTEE RECORDS, OPEN MEETINGS, TRANSPARENCY

(a) The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the roll call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

(b) A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

(c) Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with the Rules of the House of Representatives.

(d) The chairman of the full committee shall maintain an official website on behalf of the committee for the purpose of furthering the committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to committee members and other members of the House. To the greatest extent practicable, the chairman shall ensure that committee records are made available on the committee's official website in appropriate formats.

(e) The ranking minority member of the full committee is authorized to maintain a similar official website on behalf of the committee minority for the same purpose, including communicating information about the activities of the minority to committee members and other members of the House.

RULE 11—AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

(a) An open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, internet broadcast, and still photography, unless closed subject to the provisions of House Rules. Any such coverage shall conform to the provisions of House Rule XI, clause 4.

(b) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Oversight and Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) Personnel providing coverage of an open meeting or hearing of the committee by

internet broadcast, other than through the Committee Broadcast System shall be currently accredited to the Radio and Television Correspondents' Galleries. If the Committee Broadcast System is not available, the chairman may, with the concurrence of the ranking minority member, direct staff to provide coverage in a manner that is fair and nonpartisan and in accordance with House Rule XI, clause 4.

RULE 12—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(e) Prepare, after consultation with the ranking minority member, a budget for the Committee;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Offer motions under clause 1 of Rule XXII of the Rules of the House (motion to request or agree to a conference) whenever the chairman considers it appropriate.

RULE 13—CONSIDERATION OF CERTAIN BILLS AND RESOLUTIONS

(a) The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General and the committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

(b) The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the committee and the House of Representatives.

(c) The Chairman shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.

RULE 14—PANELS AND TASK FORCES

(a) The chairman of the full committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the full committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the full committee. The ranking minority member of the full committee shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to subcommittee meetings, hearings, recommendations, and reports shall apply to the meetings, hearings, recommendations, and reports of panels and task forces,

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

RULE 15—DEPOSITION AUTHORITY

(a) The chairman of the full committee, upon consultation with the ranking minority member of the full committee, may order the taking of depositions, under oath and pursuant to notice or subpoena.

(b) Notices for the taking of depositions shall specify the date, time, and place of examination (if other than within the committee offices). Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(c) Consultation with the ranking minority member shall include three business days notice before any deposition is taken. All members shall also receive three business days notice that a deposition has been scheduled.

(d) Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chairman or ranking minority member of the full committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(e) At least one member of the committee shall be present at each deposition taken by the committee, unless the witness to be deposed agrees in writing to waive this requirement.

(f) A deposition shall be conducted by any member or staff attorney designated by the chairman or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chairman and the other by the ranking minority member. Other committee staff members designated by the chairman or ranking minority member may attend, but may not pose questions to the witness.

(g) Questions in the deposition shall be propounded in rounds. alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or staff attorneys conducting the deposition agree to a different length of questioning. In each round, a member or committee staff attorney designated by the chairman shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

(h) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The witness may refuse to answer a question only to preserve a privilege. When the witness has objected and refused to answer a question to preserve a privilege, the full committee chairman may rule on any such objection after the deposition has adjourned. If the chairman overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the committee appeals in writing the ruling of the chairman, the appeal shall be preserved for committee consideration. A deponent who refuses to answer a question after being directed to answer by the chairman in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the chairman is reversed on appeal.

(i) Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(j) The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The chairman and the ranking minority member of the full committee shall be provided with a copy of the transcripts of the deposition at the same time.

(k) The chairman and ranking minority member of the full committee shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the full committee for resolution.

(l) A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 23, 2011 she presented to the President of the United States, for his approval, the following bill.

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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 1, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

573. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting of Government Property Lost, Stolen, Damaged, or Destroyed (DFARS Case 2008-D049) (RIN: 0750-AG64) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

574. A letter from the Deputy Secretary, Department of Defense, transmitting a letter pursuant to section 1033, paragraph 2, sentence 1 of the Ike Skelton National Defense Act for FY 2011; to the Committee on Armed Services.

575. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 49th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Armed Services.

576. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

577. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Children's Health Insurance Program (CHIP); Allotment Methodology and States' Fiscal Years 2009 through 2015 CHIP Allotments [CMS-2291-F] (RIN: 0938-AP53) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

578. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's ''Major'' final rule — Federal Motor Vehicle Safety Standards, Ejection Mitigation; Phase-In Reporting Requirements; Incorporation by Reference [Docket No.: NHTSA-2011-004] (RIN: 2127-AK23) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

579. A letter from the Director, Defense Security Cooperation Agency, transmitting the annual report of Military Assistance and Military Exports; to the Committee on Foreign Affairs.

580. A letter from the Director, Defense Security Cooperation Agency, transmitting the FY 2010 report in accordance with the Foreign Assistance Act of 1961, Section 655; to the Committee on Foreign Affairs.

581. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-577, Quarterly Survey of U.S. Direct Investment Abroad-Direct Transactions of U.S. Reporter With Foreign Affiliate [Docket No.: 100202061-0573-02] (RIN: 0691-AA75) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

582. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

583. A letter from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-141, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

584. A letter from the Associate Director, Department of Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

585. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Belarus Sanctions Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

586. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulations; Federal Acquisition Circular 2005-49; Introduction [Docket FAR 2011-0076, Sequence 1] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

587. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System [FAC 2005-49; Far Case 2010-016; Docket 2010-0016, Sequence 1] (RIN: 9000-AL94) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

588. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-49; Small Entity Compliance Guide [Docket FAR 2011-0077, Sequence 1] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

589. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Office of the Attorney General; Applicability of the Sex Offender Registration and Notification Act [Docket No.: OAG 117; Order No. 3239-2010] (RIN: 1105-AB22) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2010-0776] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

591. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to 50.0, west of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA [Docket No.: USCG-2010-0999] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 92nd annual National Convention of the American Legion, held in Milwaukee, Wisconsin from August 20-26, 2010 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 112-9); to the Committee on Veterans' Affairs and ordered to be printed.

593. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Airports of Entry or Departure for Flights To and From Cuba (RIN: 1651-AA86) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

594. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bond Allocations for 2011 (Rev. Proc. 2011-19) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

595. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2011-4) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

596. A letter from the Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation (RIN: 1601-AA16) received January 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on January 3, 2011]

Ms. SLAUGHTER: Committee on rules. Survey of Activities of the House Committee on Rules, 111th Congress (Rept. 111–714). Referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on February 22, 2011]

Mr. CAMP: Committee on Ways and Means. H.R. 4. A bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes (Rept. 112–15). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 705. A bill to amend the Internal Revenue Code of 1986 to repreal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; with an amendment (Rept. 112–16). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 28, 2011]

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (Rept. 112–17, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL. Committee on Rules. House Resolution 115. Resolution providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 112–19). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker: The Committee on the Budget discharged from further consideration.

H.R. 368 referred to the Committee of the Whole House on the State of the Union.

The Committees on Ways and Means, Natural Resources and the Budget discharged from further consideration. H.R. 662 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 662. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, (Rept. 112–18, Pt. 1); Referred to the Committee on The Budget for a period ending not later than February 28, 2011, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X.

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 Mr. RAHALL (for himself and Mr. PETRI):

H.R. 825. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. CARTER (for himself and Mr. DOGGETT):

H.R. 826. A bill to direct the Secretary of Defense to establish policies and guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations will receive Active Shooter Training; to the Committee on Armed Services.

By Mr. SCHWEIKERT (for himself, Mr. PASTOR of Arizona, Mr. ISSA, Mr. FILNER, Mr. FLAKE, Mr. WATT, Mr. DANIEL E. LUNGREN of California, Mr. GOSAR, Ms. BERKLEY, and Mr. QUAYLE):

H.R. 827. A bill to amend title 49, United States Code, to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ:

H.R. 828. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. CHAFFETZ:

H.R. 829. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DOLD (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 830. A bill to rescind the unobligated funding for the FHA Refinance Program and to terminate the program; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. CHU, Mr. KILDEE, Mr. KUCINICH, Mr. MCGOVERN, Mr. PAUL, and Mr. TONKO):

H.R. 831. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare Program; 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 Mrs. CAPPS:

H.R. 832. A bill to amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONAWAY:

H.R. 833. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Agriculture, 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 Mrs. DAVIS of California (for herself, Mr. WU, Mr. KIND, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. FILNER, Mr. CALVERT, and Ms. BALDWIN):

H.R. 834. A bill to amend the Internal Revenue Code of 1986 to allow eligible veterans to use qualified veterans mortgage bonds to refinance home loans, and for other purposes; to the Committee on Ways and Means.

By Mr. GERLACH (for himself, Mr. FARR, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 835. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. HENSARLING (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 836. A bill to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program; to the Committee on Financial Services.

By Mr. HINOJOSA:

H.R. 837. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. KLINE (for himself, Mrs. BACHMANN, Mr. PETERSON, Mr. CRAVAACK, Mr. PETRI, Mr. SENSENBRENNER, and Mrs. MILLER of Michigan):

H.R. 838. A bill to prohibit treatment of gray wolves in Minnesota, Wisconsin, and Michigan as endangered species, and for other purposes; to the Committee on Natural Resources.

By Mr. MCHENRY (for himself, Mr. BACHUS, Mr. HENSARLING, Mrs. BIGGERT, Mr. NEUGEBAUER, Mr. GARRETT, Mr. GRIMM, and Mrs. CAPITO):

H.R. 839. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis; to the Committee on Financial Services.

By Mr. MURPHY of Pennsylvania (for himself, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. HARPER, Mr. LATTA, Mr. LONG, Mr. MCCLINTOCK, Mrs. MYRICK, Mr. RIBBLE, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. MCKINLEY, Mr. WHITFIELD, Mr. STEARNS, Mr. CASSIDY, Mr. BRADY of Texas, Mr. SCALISE, Mr. BOUSTANY, and Mr. DAVIS of Kentucky):

H.R. 840. A bill to allow the conduct of offshore energy exploration, development, and production operations under drilling permits previously issued by the Minerals Management Service, and for other purposes; to the Committee on Natural Resources.

By Mr. OWENS:

H.R. 841. A bill to amend chapter 2 of title I of the United States Code to establish the style for amending laws; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BERMAN, and Mr. SHERMAN):

H.R. 842. A bill to allow mandatory nighttime curfews at certain airports, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHOCK (for himself, Mr. BOSWELL, and Mr. GRAVES of Missouri):

H.R. 843. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 844. A bill to allow an earlier start for State health care coverage innovation waivers under 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. ROGERS of Kentucky:

H.J. Res. 44. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. MILLER of Florida (for himself and Mr. FILNER):

H. Con. Res. 20. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War; to the Committee on House Administration.

By Mr. CONAWAY (for himself, Mr. GENE GREEN of Texas, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mr. BACHUS, Mr. BARTLETT, Mr. BONNER, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. CRENSHAW, Mr. DIAZ-BALART, Mrs. EMERSON, Mr. GERLACH, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. HUELSKAMP, Ms. JENKINS, Mr. JORDAN, Mr. LATOURETTE, Mr. LAMBORN, Mr. LANCE, Mr. LATTA, Mr. LOBIONDO, Mr. LONG, Mrs. LUMMIS, Mr. MCCAUL, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL,

Mr. PAULSEN, Mr. PETRI, Mr. POMPEO, Mr. POSEY, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SIMPSON, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. WALDEN, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BOSWELL, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARDOZA, Mr. COURTNEY, Mr. DINGELL, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLDEN, Ms. KAPTUR, Mr. KISSELL, Mr. LOEBSACK, Mr. MCINTYRE, Mr. MEEKS, Mr. RANGEL, Mr. ROSS of Arkansas, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SHULER, Mr. HASTINGS of Washington, Mr. CULBERSON, Mr. CARNAHAN, Mr. RUNYAN, Mr. KLINE, Mr. SESSIONS, Mr. ROGERS of Michigan, Mr. MCHENRY, Mr. LATHAM, Ms. FOXX, and Mr. CANSECO):

H. Con. Res. 21. Concurrent resolution supporting the Local Radio Freedom Act; to the Committee on the Judiciary.

By Mr. POE of Texas:

H. Con. Res. 22. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor the last surviving United States veteran of the First World War upon his death; to the Committee on House Administration.

By Mrs. CAPITO (for herself, Mr. HANNA, Mr. MCKINLEY, Mr. BURTON of Indiana, Mr. GRIMM, Mr. RAHALL, Mr. CLEAVER, Mrs. MCMORRIS RODGERS, Mr. TOWNS, Mr. BENISHEK, Mr. OLSON, Mr. MILLER of Florida, Ms. BROWN of Florida, Mr. MCHENRY, and Mr. POE of Texas):

H. Con. Res. 23. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the late Frank W. Buckles, the last United States veteran of the First World War, as a tribute to and in recognition of all United States military members who served in the First World War; to the Committee on House Administration.

By Mr. LUCAS:

H. Res. 108. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 109. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DREIER (for himself and Ms. SLAUGHTER):

H. Res. 110. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York:

H. Res. 111. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H. Res. 112. A resolution providing amounts for the expenses of the Committee on Foreign Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MILLER of Florida:

H. Res. 113. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MICA (for himself and Mr. RAHALL):

H. Res. 114. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. CAMP (for himself and Mr. LEVIN):

H. Res. 116. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. BACA):

H. Res. 117. A resolution commending Edwin Donald ''Duke'' Snider; to the Committee on Oversight and Government Reform.

By Mr. BACHUS:

H. Res. 118. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. GRAVES of Missouri:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HASTINGS of Washington (for himself and Mr. MARKEY):

H. Res. 120. A resolution providing amounts for the expenses of the Committee on Natural Resources in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ISSA:

H. Res. 121. A resolution providing amounts for the expenses of the Committee on Oversight and Government Reform in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H. Res. 122. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. BRADY of Pennsylvania):

H. Res. 123. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MCKEON (for himself and Mr. SMITH of Washington):

H. Res. 124. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ROGERS of Michigan (for himself and Mr. RUPPERSBERGER):

H. Res. 125. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. RYAN of Wisconsin:

H. Res. 126. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H. Res. 127. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Twelfth Congress; to the Committee on House Administration.

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.

[Omission from the Record of February 8, 2011]

By Mr. GRAVES:

H.R. 549.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3, of the United States Constitution, Congress shall have the power to regulate Commerce with foreign Nations, and among several States, and with Indian Tribes.

GRAVES___ 007 seeks to address piston engine aircraft emissions. Piston engine aircraft are involved in intrastate and interstate commerce.

[Submitted February 28, 2011]

By Mr. RAHALL:

H.R. 825.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. CARTER:

H.R. 826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: The Congress shall have Power To: make Rules for the Government and Regulation of the land and naval Forces.

By Mr. SCHWEIKERT:

H.R. 827.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 States: [The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.

By Mr. CHAFFETZ:

H.R. 828.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. CHAFFETZ:

H.R. 829.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. DOLD:

H.R. 830.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Ms. SCHAKOWSKY:

H.R. 831.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mrs. CAPPS:

H.R. 832.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18.

By Mr. CONAWAY:

H.R. 833.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 834.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GERLACH:

H.R. 835.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. HENSARLING:

H.R. 836.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. HINOJOSA:

H.R. 837.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KLINE:

H.R. 838.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, commonly referred to the ''Commerce Clause,'' of the United States Constitution.

By Mr. MCHENRY:

H.R. 839.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution, under which Congress has the power to regulate commerce among the states.

By Mr. MURPHY of Pennsylvania:

H.R. 840.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to the Congress under Article I, Section 8, Clause 3 of the United States Constitution, and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. OWENS:

H.R. 841.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2.

By Mr. SCHIFF:

H.R. 842.

Congress has the power to enact this legislation pursuant to the following:

The Valley-Wide Noise Relief Act is constitutional under Article I, Section 8, Clause 3, the Commerce Clause, and Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Valley-Wide Noise Relief Act is constitutionally authorized under the Commerce Clause because the bill regulates aviation, which has a direct impact on commerce between the states. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCHOCK:

H.R. 843.

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 as stated in Article I, Section 8, and Amendment X of the United States Constitution.

By Mr. WELCH:

H.R. 844.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The 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 this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ROGERS of Kentucky:

H.J. Res. 44.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is Clause 7 of Section 9 of Article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WALBERG, Mr. ROHRABACHER, Mr. AUSTRIA, Mr. ALEXANDER, and Mr. BASS of New Hampshire.

H.R. 27: Ms. WATERS, Mr. BISHOP of Utah, and Ms. EDWARDS.

H.R. 81: Mr. MCCOTTER.

H.R. 99: Mr. SESSIONS.

H.R. 104: Mr. BENISHEK.

H.R. 122: Mr. CARTER.

H.R. 136: Mrs. MCCARTHY of New York.

H.R. 177: Mr. CANSECO.

H.R. 178: Mr. FORBES, Mr. HUNTER, Mr. DEUTCH, Mr. COURTNEY, Mr. BOREN, Ms. JENKINS, Mr. ROGERS of Michigan, Mr. REICHERT, Mr. DOYLE, and Mr. PETERSON.

H.R. 181: Ms. JENKINS.

H.R. 218: Mr. FORTENBERRY.

H.R. 219: Mr. DUNCAN of Tennessee and Mr. LATOURETTE.

H.R. 261: Mr. ROTHMAN of New Jersey.

H.R. 333: Mr. HECK and Mr. DEUTCH.

H.R. 343: Mr. GOODLATTE.

H.R. 367: Ms. WILSON of Florida.

H.R. 389: Mr. YODER.

H.R. 409: Mrs. BACHMANN and Mr. CUELLAR.

H.R. 412: Mr. OLSON, Mrs. BLACKBURN, Mr. LATHAM, and Mr. STUTZMAN.

H.R. 423: Mr. FORTENBERRY.

H.R. 432: Ms. HIRONO, Mr. HINCHEY, and Mrs. CAPPS.

H.R. 436: Mrs. BLACKBURN, Mr. CASSIDY, Mr. BURGESS, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. HUNTER, Mr. SCALISE, Mr. KINZINGER of Illinois, Ms. HAYWORTH, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MEEHAN, Mr. PAUL, and Ms. FOXX.

H.R. 440: Mrs. MYRICK and Mr. MURPHY of Connecticut.

H.R. 459: Mr. WILSON of South Carolina, Ms. BALDWIN, and Mr. JOHNSON of Illinois.

H.R. 462: Mr. MCCOTTER.

H.R. 470: Mrs. CAPPS and Mr. WAXMAN.

H.R. 478: Mr. KLINE.

H.R. 513: Mr. YODER, Mr. KLINE, Ms. JENKINS, and Mr. HUELSKAMP.

H.R. 548: Mr. WALBERG, Mr. GRIFFIN of Arkansas, and Mr. GARRETT.

H.R. 553: Mr. ELLISON and Mrs. CAPPS.

H.R. 567: Mr. RIGELL.

H.R. 572: Mrs. CAPPS.

H.R. 605: Mr. PETRI.

H.R. 609: Mr. BUCSHON.

H.R. 623: Mr. ELLISON.

H.R. 642: Mr. REHBERG, Mr. HUELSKAMP, Mr. OLSON, Mr. GRIFFITH of Virginia, Mr. RYAN of Wisconsin, Mr. ALTMIRE, Mr. LUCAS, Mr. CULBERSON, and Mr. FORBES.

H.R. 645: Mr. ISSA, Mr. POE of Texas, Mr. BOREN, Mr. ALTMIRE, Mr. MATHESON, and Mr. BROUN of Georgia.

H.R. 661: Mr. ENGEL.

H.R. 676: Mr. ENGEL, Ms. WOOLSEY, and Mr. DAVIS of Illinois.

H.R. 692: Mr. NUGENT, Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. KLINE.

H.R. 695: Mr. DUNCAN of Tennessee.

H.R. 700: Mr. HERGER.

H.R. 704: Mr. KLINE and Mr. JONES.

H.R. 706: Mrs. MALONEY.

H.R. 709: Mr. KUCINICH.

H.R. 733: Mr. MORAN, Mr. HOLT, and Mr. ROSS of Arkansas.

H.R. 734: Mrs. CAPITO.

H.R. 735: Mrs. MYRICK.

H.R. 746: Mr. CONAWAY.

H.R. 763: Mr. RIBBLE.

H.R. 782: Mr. ROSS of Florida, Mr. HUELSKAMP, and Mr. GOWDY.

H.R. 792: Mr. GRIMM.

H.R. 816: Mr. BURGESS.

H.J. Res. 2: Mrs. ADAMS.

H.J. Res. 23: Mr. ROSS of Florida.

H.J. Res. 37: Mr. POMPEO, Mrs. MYRICK, Mr. GARDNER, Mr. PITTS, Mr. CASSIDY, Mr. BILBRAY, Mr. HUELSKAMP, Mr. MURPHY of Pennsylvania, Mr. RIBBLE, Mr. SCHILLING, Mr. PENCE, and Mr. SULLIVAN.

H.J. Res. 42: Mr. TERRY and Mrs. BLACKBURN.

H. Con. Res. 13: Mr. KING of Iowa.

H. Res. 23: Mr. YODER.

H. Res. 34: Mr. CICILLINE.

H. Res. 64: Mr. HONDA and Mr. PETRI.

H. Res. 83: Mr. STARK, Ms. NORTON, Mrs. NAPOLITANO, and Mr. FRANK of Massachusetts.

H. Res. 88: Mr. MANZULLO and Mr. SCHOCK.

H. Res. 95: Mr. COFFMAN of Colorado.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in House Joint Resolution 44 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 44, Further Continuing Appropriations Amendments, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, FEBRUARY 28, 2011 No. 28

Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, the gift of each day reminds us of Your love. Make us always thankful for Your loving providence and Your gracious goodness. Guide our lawmakers on the road to unity. Beneath the diversities of gifts and of thought, lead them to seek the harmony of common ground. Infuse them, Lord, with a spirit that will make them quick to listen, slow to speak, and slow to anger, forging new alliances of cooperation. Remind them that without You these challenging days are but sound and fury, devoid of meaning, dignity, and beauty, but in Your radiance, bitterness and disappointments are transformed into sweetness and joy.

We pray this prayer in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as amended by the order of February 17, 2011, the Senator from Georgia, Mr. ISAKSON, will now read Washington's Farewell Address.

Mr. ISAKSON, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our

country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition, to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and the duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be

encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most

baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take—and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMMENDING SENATOR ISAKSON FOR READING WASHINGTON'S FAREWELL ADDRESS

Mr. MCCONNELL. First, let me congratulate the Senator from Georgia for

his excellent presentation of George Washington's Farewell Address. It has been an important Senate tradition for many years. I thank him for his reading of that for all of us on this important occasion.

BUDGET CUT DEBATE

Mr. MCCONNELL. Mr. President, I wish to start by welcoming everyone back from the recess. It is good to be back. Time away from Washington is an opportunity to step back and measure the priorities of party against those of people who sent us here to make sure they are properly aligned.

As the two parties reengage this week in a debate about our Nation's finances, it is vital that we focus not on mere partisan advantage but on what is right for the Nation. When it comes to the two choices before us of either maintaining an unsustainable status quo on spending or beginning to cut spending, the choice could not be more clear.

This morning's news brought word that a 47-member panel of some of the Nation's top business economists view government overspending as the top threat to our economy. In other words, a majority of those experts think Washington's inability to live within its means is the single greatest threat to our Nation's economic future. This is not a groundbreaking observation. After all, Americans have been telling lawmakers for more than 2 years that business as usual simply will not cut it anymore. They want us to get our fiscal house in order and to start to create the right conditions for private sector job growth. But today's news is further confirmation of the stakes in the debate over spending and that Democrats in Congress need to rethink the approach they have taken up to now.

The message from the November elections is quite clear: Stop spending money we don't have. Yet Democratic leaders persist in defending budgets that do just that well into the future.

Earlier this month, the President unveiled a 10-year budget for the government. At no point in this 10-year projection would the government spend less than it takes in. It does not even try. Just look at the estimates for this year alone. Unless we start to cut this year's projected spending, Washington will spend more than $1.5 trillion more than it takes in—$1.5 trillion more than it takes in this year—about $350 billion more in red ink than we had last year. That is $350 billion more in red ink than we had last year. Think about that—a $350 billion increase in deficit spending over last year after an election in which the voters unambiguously said they want us to cut spending and stop adding debt.

Next year, Democrats in Congress want us to do it again. Once again, they plan to spend more than $1 trillion more than we take in, and the same pattern the year after that. They want to spend hundreds of billions of dollars more than we take in. And on and on.

All of this overspending, of course, just adds to our overall debt. When you add it all up, the numbers are truly staggering. As a result of Democratic budgets, the Federal debt 5 years from now is expected to exceed $20 trillion—5 years from now, $20 trillion. Interest payments alone on that debt will exceed $½ trillion a year. That is just interest payments on the $20 trillion debt—$½ trillion a year. Talk about a disconnect.

The American people have spent the last 2 years trying to get their own fiscal houses in order. Millions have lost their jobs. Millions more have lost their homes. Meanwhile, what have the Democrats in Washington been up to? On the day the President was sworn into office, the national debt was $10.6 trillion. In the 25 months since, it has increased by about $3.5 trillion. And despite a national uprising over this profligacy and an election that represented a wholesale repudiation of it, here is the President's response: Spend more. He calls it investments.

What about Democratic leaders in Congress? Are they reading the writing on the wall? Until this past weekend, they insisted they could not agree to cut a dime in spending—not a dime. Rather than look for ways the two parties can work together to rein in spending, they looked for ways to marginalize those who are working hard to come up with ways to do it. They called anybody who wanted to cut a dime in spending an extremist. I will tell you what is extreme, Mr. President. What is extreme is $20 trillion in debt. That is what is extreme. Or $½ trillion in interest payments a year is extreme. Refusing to agree to even try to live within your means is extreme.

Tomorrow, the House will have a vote on a 2-week spending bill. This bill represents an effort to change the culture in Washington. It says: Let's start to change the mentality around here. Let's find $4 billion that all of us can agree to cut and cut it and continue from that good start. Democratic leaders in Congress have resisted even this up until a few days ago. Now they have started to suggest they might be willing to agree to it. This is progress.

This week, Democrats will have the opportunity to show they have gotten the message. They can show they agree the time has come to change the status quo. Less spending, lower debt, reining in the size and scope of government, that is what is needed. That is how we will create the conditions for private sector job growth.

Democratic leaders in Congress have tried record spending and deficits. What has it gotten us? More than $3 trillion more in debt and 3 million more jobs lost—$3 trillion in new debt while we lost 3 million jobs. Democrats have an opportunity this week to show they get it. They have an opportunity to show that the status quo on spending and debt is no longer an option, to turn a corner. A lot depends on how they respond to that opportunity. Will they continue to see what they can get away with or will they finally concede that the old way of doing business must come to an end?

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business until 3:30 p.m. today. Senators during that period of time will be able to speak for up to 10 minutes each. At 3:30 p.m., we will move to consideration of S. 23, which is the Patent Reform Act. At 4:30 p.m., the Senate will turn to executive session to consider the nominations of Amy Totenberg, of Georgia, to be a U.S. district judge and Steve C. Jones, of Georgia, to be a U.S. district judge. The time until 5:30 p.m. will be equally divided and controlled in the usual form. At 5:30 p.m., Senators should expect a voice vote on confirmation of the Totenberg nomination, to be followed by a rollcall vote on confirmation of the Jones nomination. We hope to complete action on the patent reform bill and consider a continuing resolution during this week's session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPENDING

Mr. CORKER. Mr. President, I rise today to talk about our dilemma in the Federal Government. The American people are watching as we try to deal with our spending issues. I know there is a big debate over the 2-week spending issue, an issue where we are trying

to cut $4 billion. Hopefully, some resolve will come to that.

What the American people are seeing is that unless there is some type of gun to our heads or some type of urgent situation in front of us, we do not have the ability in this body to deal with spending issues in a disciplined or courageous way. Everybody understands that, and they understand that the only way we are looking at whatever spending cuts will take place—I know right now there are discussions over what they might be, but the only reason this issue is being addressed is that we have this deadline of government funding ending in the next week.

I know the Presiding Officer is someone who served as a county executive and had to balance budgets each year and had to figure out a way to live within their means. I know that upon arriving here a few months ago, he had to be totally aghast at the fact that we are taking in $2.2 trillion this year and spending $3.7 trillion this year. If we put all the discretionary spending we have, if we took every bit of nonmandatory spending or discretionary spending off the table, we still would not have a balanced budget. Everybody in this country knows that where we are is totally out of line. We are spending a little over 24 percent of our country's economic output today. Over the last 40 years, we have spent about 20.6 percent of our country's GDP.

I, along with CLAIRE MCCASKILL from Missouri, have put a bill in place. We have a number of cosponsors. We put in something called the CAP Act. We hope that over the course of this next year—over the course of the next several months—this is a bill that will actually pass. What it does, I think in a very logical way, is it says we are spending at levels relative to our economy today that are out of proportion, and let's go from where we are today to the 4-year average over a 10-year period. Mr. President, you have to agree that this is just a logical thing that gives us time to go from where we are today over the next 10 years to where the country has been, spending relative to our country's output for the last 40 years.

What this also does is it puts Congress in a straitjacket. Again, I think everybody who is watching knows that if we didn't have this CR—this continuing resolution bill—that is ending this week and if government wasn't going to shut down if it wasn't funded, there would be no negotiations taking place right now over spending. We all know that. So this puts in place a straitjacket on Congress—one that is very needed, unfortunately—to take us from here to there over a 10-year period. What happens if we don't meet the requirements of this declining spending relative to our economy is that sequestration comes into play. On a pro-rata basis—based on the relative weight of certain accounts to the overall spending levels, the OMB comes in and takes from every account of government on a pro-rata basis.

One of the problems we have had in this country is we want to deal with those things that are easy, and that is discretionary spending, in many cases. Nondefense discretionary spending ends up being about $600 billion, roughly, of the $3.7 trillion we are spending. Everybody in the world knows there is no way for us to solve our problem by only dealing with discretionary spending. So what this bill would do is put all items on the balance sheet. In other words, it would include all the entitlements.

I don't think there is a person in this body who believes if we continue as we are, if we don't redesign the programs the seniors are counting on—Medicare and Social Security—if we don't redesign these programs so they will be sustained for the long haul, then seniors are not going to have them. So this bill will force us in Congress to deal with designing these programs in such a way they will be here for the long haul. It puts everything on the table. Again, there is not a thinking person in Washington who doesn't know we have to address these issues.

There are a lot of people who say: Well, we cannot do these draconian things right now because we are in the middle of a recession. Hopefully, it looks like it is changing and hopefully changing very rapidly, but these changes would begin from where we are in the year 2013. So we would have a year or so to redesign these programs. We could act in an appropriate way to ensure they were here for the future but also put them in place in a manner that doesn't kill the American taxpayer, and we would cap spending. We have a multiyear averaging process in this bill to make sure, if there is a change in the economy in 1 year, we don't just have this volatile situation, but we would have the ability, 1 year in advance, to know what the appropriate spending levels are. It gives Congress the ability to act upon that throughout the year.

Again, if Congress doesn't act, then 45 days after a year ends, OMB comes in and puts in place something called sequestration—automatically takes money out of these accounts. I think that gives us the impetus to want to make sure we actually act. I don't think there is anybody in Congress who wants OMB coming in and taking money out of accounts. So that would be, in essence, the thing that would give us the sense of urgency we badly need in this body.

This is a problem that exists on both sides of the aisle and that is why I have sought bipartisan support for this bill. I have tried to put something in place that is very logical—I know that is not often the case here—something Americans across the country can understand and also those here in Washington will see as something that works toward a solution and gets us to where we need to go.

I think all of us understand the demographic changes that are taking place in our country. I think all of us know that over the next 10 years, 20 million more Americans are going to be on Medicare and 20 million more Americans will be on Social Security. We are right on the cusp of that bubble. I am certainly getting ready to be a part of that. The Presiding Officer may not necessarily be there yet, but the point is this is something that has to occur for the good of our country.

So this is called the CAP Act. Again, what it will do is ensure that long after the point in time when the CR window opens and closes, long after the time the debt ceiling vote happens a little later this year—long after those occur and the American people have moved on to other issues and, obviously, Congress has moved on to other issues—we keep in place this fiscal discipline, this straitjacket, to take us where we need to go.

The Presiding Officer and I were in Pakistan and Afghanistan last week, and we witnessed some of the problems we are having there. We also witnessed the brilliance of our men and women in uniform and also many hard-working individuals at the State Department. While those threats are threats we are dealing with that are very important to the American people, I think most of us know the biggest threat today to our country is our inability to deal appropriately with our financial circumstances. I think we all know if we don't deal with that pretty soon, we are going to be putting our country's future in jeopardy. We will be putting in jeopardy the future of these wonderful pages who sit in front of me.

The thing that is fascinating about this issue is, unlike what we saw in Pakistan and in Afghanistan, where we are relying on other people, this is something we can do ourselves. We have 100 percent control over spending in Washington—100 percent control of this is held in the hands of 100 Senators and 435 House Members. This is not something where we are depending on other countries or we are concerned about what might happen elsewhere. This is something we ourselves can deal with.

So what I have tried to put in place, along with CLAIRE MCCASKILL and others—and there are growing numbers of other people who are part of this process—is something that causes us to be responsible to the American people. So I hope others will join this. It is my hope we will do three things: I hope we will vote and pass on cuts in Federal spending today. I hope that will happen over the next short period of time. Whether it is some of the things we are looking at on the CR or maybe it is recommendations that have been put in place by the President's deficit reduction commission, I hope what we will do as a body is go ahead and vote to pass real cuts now.

Secondarily, what I hope will happen is that we will put in place something like the CAP Act to make sure we continue that fiscal discipline long after

people move on to other topics; that we keep that straitjacket in place so we do those things that are, again, responsible not only to this generation but future generations.

Thirdly, I hope we figure out a way, through some type of amendment, to ensure that, on into the future, we have put something in place at the Federal level which causes us to be fiscally responsible in this country. All of us know what it means to have to make choices. All of us have households. Many of us have led cities and States. Many of us have had businesses. We all understand what happens in the real world, and it is something that certainly needs to happen here. That has been sorely lacking for a long time.

So I thank the Chair for the time on the floor today, and I hope to talk about this many more times. I have been doing it, I assure you, throughout the State of Tennessee and in multiple forums in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I had the opportunity to speak with you in the last several moments, and you had a couple questions about the CAP Act that I was just discussing on the floor. The Presiding Officer had some great questions about what it takes to overcome the CAP Act, in the event we were able to pass it.

It is just a 10-page bill. It is very eloquent. It doesn't have a lot of ''whereases.'' It is just a business document that takes us from where we are to where we need to be. But, in essence, to override it, it would take a two-thirds vote. It would take two-thirds of the House and the Senate to actually override or get out of the straitjacket, if you will. There were previous bills, such as Gramm-Rudman and other types of bills that tried to keep Washington fiscally focused, and those bills required 60 votes. So this would be a higher threshold.

So, yes, if there was some type of national emergency and we needed to move beyond this straitjacket for 1 year or 6 months or something like that, a two-thirds vote could do that. I mean, 67 votes is a pretty tough threshold, and hopefully it is the kind of threshold necessary to keep the kind of discipline in place that we need.

So it is a 10-page bill. Again, it is very eloquent. I think it lays out a solution for us that hopefully will be a part of anything we do over the next several months.

I understand, after talking with the Presiding Officer over the last several days, while traveling to these various countries, that he, along with many of our other colleagues—I know I did myself—came here to solve problems, not to message. In a body such as this, it is tough to solve these kinds of problems, but the only way to do it is to offer a pragmatic solution.

I know there are some people who are interested, sometimes, in messaging. I have tried to offer something that I think will take us from a place that is very much out of line in spending to a place that is more appropriate.

I might also say I thought the President's deficit reduction commission had some very good points as it relates to tax reform. I think all of us are aware of the $1.2 trillion in tax expenditures that exist.

I was doing an event over the last several days, and a gentleman raised his hand and asked me: What do you mean by tax expenditures? Isn't the money ours until we give it to the Federal Government? Why would you call it a tax expenditure?

I think people realize in our Tax Code there are all kinds of exclusions and subsidies and favored companies and favored this and favored that. If we did away with all of those, there would be $1.2 trillion we could use to lower everybody's rate, and we could make our Tax Code much more simple. The deficit reduction commission says we could take our corporate rates from where they are down to a level of about 26 percent—somewhere between 23 and 29 percent—and lower everybody's rates individually. I think most Americans, instead of filling out all these forms to see if they benefit from these various subsidies and credits, would much rather know that everybody is on the same playing field; that some favored company is not in a situation where they are more favored than another; that everybody is on the same basis.

I think there has been some good work done there. I hope we are able to take votes on that over the next several months. But there is a very elegant, pragmatic solution that has been offered that would go hand in hand with these types of measures and would cause us, over the next 10 years, to exercise the kind of fiscal discipline this country needs to confront what I think threatens our national security, certainly our economic security, even more than the things we saw on the ground in the Middle East last week.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. VITTER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 23, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patent Reform Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. First inventor to file.
Sec. 3. Inventor's oath or declaration.
Sec. 4. Damages.
Sec. 5. Post-grant review proceedings.
Sec. 6. Patent Trial and Appeal Board.
Sec. 7. Preissuance submissions by third parties.
Sec. 8. Venue.
Sec. 9. Fee setting authority.
Sec. 10. Supplemental examination.
Sec. 11. Residency of Federal Circuit judges.
Sec. 12. Micro entity defined.
Sec. 13. Funding agreements.
Sec. 14. Tax strategies deemed within the prior art.
Sec. 15. Best mode requirement.
Sec. 16. Technical amendments.
Sec. 17. Clarification of jurisdiction.
Sec. [17]*18*. Effective date; [rule of construction.]

SEC. 2. FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(i)(1) The term 'effective filing date' of a claimed invention in a patent or application for patent means—

''(A) if subparagraph (B) does not apply, the actual filing date of the patent or the application for the patent containing a claim to the invention; or

''(B) the filing date of the earliest application for which the patent or application is entitled, as to such invention, to a right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c).

''(2) The effective filing date for a claimed invention in an application for reissue or reissued patent shall be determined by deeming the claim to the invention to have been contained in the patent for which reissue was sought.

''(j) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A person shall be entitled to a patent unless—

''(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

''(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DISCLOSURES APPEARING IN APPLICATIONS AND PATENTS.—A disclosure shall not be prior art to a claimed invention under subsection (a)(2) if—

''(A) the subject matter disclosed was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter disclosed had, before such subject matter was effectively filed under subsection (a)(2), been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(C) the subject matter disclosed and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(c) COMMON OWNERSHIP UNDER JOINT RESEARCH AGREEMENTS.—Subject matter disclosed and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of subsection (b)(2)(C) if—

''(1) the subject matter disclosed was developed and the claimed invention was made by, or on behalf of, 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(2) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(3) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(d) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVE AS PRIOR ART.—For purposes of determining whether a patent or application for patent is prior art to a claimed invention under subsection (a)(2), such patent or application shall be considered to have been effectively filed, with respect to any subject matter described in the patent or application—

''(1) if paragraph (2) does not apply, as of the actual filing date of the patent or the application for patent; or

''(2) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(c) of title 35, United States Code, under the preceding paragraph is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by subsection (c). The United States Patent and Trademark Office shall administer section 102(c) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

[2]*(3)* CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; nonobvious subject matter

''A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 1 year after the date of the enactment of this Act, and shall apply to any request for a statutory invention registration filed on or after that date.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(b) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(b)''.

(h) DERIVED PATENTS.—Section 291 of title 35, United States Code, is amended to read as follows:

''§ 291. Derived patents

''(a) IN GENERAL.—The owner of a patent may have relief by civil action against the owner of another patent that claims the same invention and has an earlier effective filing date if the invention claimed in such other patent was derived from the inventor of the invention claimed in the patent owned by the person seeking relief under this section.

''(b) FILING LIMITATION.—An action under this section may only be filed within 1 year after the issuance of the first patent containing a claim to the allegedly derived invention and naming an individual alleged to have derived such invention as the inventor or joint inventor.''.

(i) DERIVATION PROCEEDINGS.—Section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings

''(a) INSTITUTION OF PROCEEDING.—An applicant for patent may file a petition to institute a derivation proceeding in the Office.

The petition shall set forth with particularity the basis for finding that an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. Any such petition may only be filed within 1 year after the first publication of a claim to an invention that is the same or substantially the same as the earlier application's claim to the invention, shall be made under oath, and shall be supported by substantial evidence. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding. The determination by the Director whether to institute a derivation proceeding shall be final and nonappealable.

''(b) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In a derivation proceeding instituted under subsection (a), the Patent Trial and Appeal Board shall determine whether an inventor named in the earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. The Director shall prescribe regulations setting forth standards for the conduct of derivation proceedings.

''(c) DEFERRAL OF DECISION.—The Patent Trial and Appeal Board may defer action on a petition for a derivation proceeding until 3 months after the date on which the Director issues a patent that includes the claimed invention that is the subject of the petition. The Patent Trial and Appeal Board also may defer action on a petition for a derivation proceeding, or stay the proceeding after it has been instituted, until the termination of a proceeding under chapter 30, 31, or 32 involving the patent of the earlier applicant.

''(d) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to claims in an application for patent, shall constitute the final refusal by the Office on those claims. The final decision of the Patent Trial and Appeal Board, if adverse to claims in a patent, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of those claims, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation.

''(e) SETTLEMENT.—Parties to a proceeding instituted under subsection (a) may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, if any, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

''(f) ARBITRATION.—Parties to a proceeding instituted under subsection (a) may, within such time as may be specified by the Director by regulation, determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9, to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining the patentability of the claimed inventions involved in the proceeding.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2)(A) Sections 146 and 154 of title 35, United States Code, are each amended—

(i) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(ii) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(B) The subparagraph heading for section 154(b)(1)(C) of title 35, United States Code, as amended by this paragraph, is further amended by—

(i) striking ''OR'' and inserting ''OF''; and

(ii) striking ''SECRECY ORDER'' and inserting ''SECRECY ORDERS''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(5) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(6) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(7) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(8) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(k) FALSE MARKING.—

(1) IN GENERAL.—Section 292 of title 35, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

''Only the United States may sue for the penalty authorized by this subsection.''; and

(B) by striking subsection (b) and inserting the following:

''(b) Any person who has suffered a competitive injury as a result of a violation of this section may file a civil action in a district court of the United States for recovery of damages adequate to compensate for the injury.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

(l) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Section 32 of title 35, United States Code, is amended by inserting between the third and fourth sentences the following: ''A proceeding under this section shall be commenced not later than the earlier of either 10 years after the date on which the misconduct forming the basis for the proceeding occurred, or 1 year after the date on which the misconduct forming the basis for the proceeding is made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D).''.

(2) REPORT TO CONGRESS.—The Director shall provide on a biennial basis to the Judiciary Committees of the Senate and House of Representatives a report providing a short description of incidents made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D) of title 35, United States Code, that reflect substantial evidence of misconduct before the Office but for which the Office was barred from commencing a proceeding under section 32 of title 35, United States Code, by the time limitation established by the fourth sentence of that section.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply in all cases in which the time period for instituting a proceeding under section 32 of title 35, United State Code, had not lapsed prior to the date of the enactment of this Act.

(m) SMALL BUSINESS STUDY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Chief Counsel'' means the Chief Counsel for Advocacy of the Small Business Administration;

(B) the term ''General Counsel'' means the General Counsel of the United States Patent and Trademark Office; and

(C) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(2) STUDY.—

(A) IN GENERAL.—The Chief Counsel, in consultation with the General Counsel, shall conduct a study of the effects of eliminating the use of dates of invention in determining whether an applicant is entitled to a patent under title 35, United States Code.

(B) AREAS OF STUDY.—The study conducted under subparagraph (A) shall include examination of the effects of eliminating the use of invention dates, including examining—

(i) how the change would affect the ability of small business concerns to obtain patents and their costs of obtaining patents;

(ii) whether the change would create, mitigate, or exacerbate any disadvantage for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns, and whether the change would create any advantages for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns;

(iii) the cost savings and other potential benefits to small business concerns of the change; and

(iv) the feasibility and costs and benefits to small business concerns of alternative means of determining whether an applicant is entitled to a patent under title 35, United States Code.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Chief Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report regarding the results of the study under paragraph (2).

(n) REPORT ON PRIOR USER RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director shall report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of

prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including members of the European Union and Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(F) An analysis of whether the change to a first-to-file patent system creates a particular need for prior user rights.

(2) CONSULTATION WITH OTHER AGENCIES.—In preparing the report required under paragraph (1), the Director shall consult with the United States Trade Representative, the Secretary of State, and the Attorney General.

(o) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided by this section, the amendments made by this section shall take effect on the date that is 18 months after the date of the enactment of this Act, and shall apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time—

(A) a claim to a claimed invention that has an effective filing date as defined in section 100(i) of title 35, United States Code, that is 18 months or more after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

(2) INTERFERING PATENTS.—The provisions of sections 102(g), 135, and 291 of title 35, United States Code, in effect on the day prior to the date of the enactment of this Act, shall apply to each claim of an application for patent, and any patent issued thereon, for which the amendments made by this section also apply, if such application or patent contains or contained at any time—

(A) a claim to an invention having an effective filing date as defined in section 100(i) of title 35, United States Code, earlier than 18 months after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

"§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or commences the national stage under section 371 shall include, or be amended to include, the name of the inventor for any invention claimed in the application. Except as otherwise provided in this section, each individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—

''(1) EXCEPTION.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and who claims the benefit under section 120, 121, or 365(c) of the filing of an earlier-filed application, if—

''(A) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(B) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(C) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(2) COPIES OF OATHS, DECLARATIONS, STATEMENTS, OR ASSIGNMENTS.—Notwithstanding paragraph (1), the Director may require that a copy of the executed oath or declaration, the substitute statement, or the assignment filed in the earlier-filed application be included in the later-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration meeting the requirements of subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by inserting ''OR DECLARATION'' after ''AND OATH''; and

(C) by inserting ''or declaration'' after ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—

(1) IN GENERAL.—Section 118 of title 35, United States Code, is amended to read as follows:

"§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(2) CONFORMING AMENDMENT.—Section 251 of title 35, United States Code, is amended in the third undesignated paragraph by inserting ''or the application for the original patent was filed by the assignee of the entire interest'' after ''claims of the original patent''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention'';

(2) in the second paragraph—

(A) by striking ''The specification'' and inserting ''(b) CONCLUSION.—The specification''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

(d) CONFORMING AMENDMENTS.—

(1) Sections 111(b)(1)(A) is amended by striking ''the first paragraph of section 112 of this title'' and inserting ''section 112(a)''.

(2) Section 111(b)(2) is amended by striking ''the second through fifth paragraphs of section 112,'' and inserting ''subsections (b) through (e) of section 112,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications that are filed on or after that effective date.

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended—

(1) by striking ''Upon finding'' and inserting the following: ''(a) IN GENERAL.—Upon finding'';

(2) by striking ''fixed by the court'' and all that follows through ''When the damages'' and inserting the following: ''fixed by the court. When the damages'';

(3) by striking ''shall assess them.'' and all that follows through ''The court may receive'' and inserting the following: ''shall assess them. *In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this subsection shall not apply to provisional rights under section 154(d) of this title.* The court may receive''; and

(4) by adding at the end the following:

''(b) PROCEDURE FOR DETERMINING DAMAGES.—

''(1) IN GENERAL.—The court shall identify the methodologies and factors that are relevant to the determination of damages, and the court or jury shall consider only those methodologies and factors relevant to making such determination.

''(2) DISCLOSURE OF CLAIMS.—By no later than the entry of the final pretrial order, unless otherwise ordered by the court, the parties shall state, in writing and with particularity, the methodologies and factors the parties propose for instruction to the jury in determining damages under this section, specifying the relevant underlying legal and factual bases for their assertions.

''(3) SUFFICIENCY OF EVIDENCE.—Prior to the introduction of any evidence concerning the determination of damages, upon motion of either party or sua sponte, the court shall consider whether one or more of a party's damages contentions lacks a legally sufficient evidentiary basis. After providing a nonmovant the opportunity to be heard, and after any further proffer of evidence, briefing, or argument that the court may deem appropriate, the court shall identify on the record those methodologies and factors as to which there is a legally sufficient evidentiary basis, and the court or jury shall consider only those methodologies and factors in making the determination of damages under this section. The court shall only permit the introduction of evidence relating to the determination of damages that is relevant to the methodologies and factors that the court determines may be considered in making the damages determination.

''(c) SEQUENCING.—Any party may request that a patent-infringement trial be sequenced so that the trier of fact decides questions of the patent's infringement and validity before the issues of damages and willful infringement are tried to the court or the jury. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery. This subsection does not authorize a party to request that the issues of damages and willful infringement be tried to a jury different than the one that will decide questions of the patent's infringement and validity.

[''(d) WILLFUL INFRINGEMENT.—

[''(1) IN GENERAL.—The court may increase damages up to 3 times the amount found or assessed if the court or the jury, as the case may be, determines that the infringement of the patent was willful. Increased damages under this subsection shall not apply to provisional rights under section 154(d). Infringement is not willful unless the claimant proves by clear and convincing evidence that the accused infringer's conduct with respect to the patent was objectively reckless. An accused infringer's conduct was objectively reckless if the infringer was acting despite an objectively high likelihood that his actions constituted infringement of a valid patent, and this objectively-defined risk was either known or so obvious that it should have been known to the accused infringer.

[''(2) PLEADING STANDARDS.—A claimant asserting that a patent was infringed willfully shall comply with the pleading requirements set forth under Federal Rule of Civil Procedure 9(b).

[''(3) KNOWLEDGE ALONE INSUFFICIENT.—Infringement of a patent may not be found to be willful solely on the basis that the infringer had knowledge of the infringed patent.

[''(4) PRE-SUIT NOTIFICATION.—A claimant seeking to establish willful infringement may not rely on evidence of pre-suit notification of infringement unless that notification identifies with particularity the asserted patent, identifies the product or process accused, and explains with particularity, to the extent possible following a reasonable investigation or inquiry, how the product or process infringes one or more claims of the patent.

[''(5) CLOSE CASE.—The court shall not increase damages under this subsection if the court determines that there is a close case as to infringement, validity, or enforceability. On the motion of either party, the court shall determine whether a close case as to infringement, validity, or enforceability exists, and the court shall explain its decision. Once the court determines that such a close case exists, the issue of willful infringement shall not thereafter be tried to the jury.

[''(6) ACCRUED DAMAGES.—If a court or jury finds that the infringement of patent was willful, the court may increase only those damages that accrued after the infringement became willful.''.]

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273(b)(6) of title 35, United States Code, is amended to read as follows:

''(6) PERSONAL DEFENSE.—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense as well as any other entity that controls, is controlled by, or is under common control with such person and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates. Notwithstanding the preceding sentence, any person may, on its own behalf, assert a defense based on the exhaustion of rights provided under paragraph (3), including any necessary elements thereof.''.

(c) VIRTUAL MARKING.—Section 287(a) of title 35, United States Code, is amended by inserting '', or by fixing thereon the word 'patent' or the abbreviation 'pat.' together with an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent'' before '', or when''.

(d) ADVICE OF COUNSEL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

''§ 298. Advice of Counsel

''The failure of an infringer to obtain the advice of counsel with respect to any allegedly infringed patent or the failure of the infringer to present such advice to the court or jury may not be used to prove that the accused infringer willfully infringed the patent or that the infringer intended to induce infringement of the patent.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) INTER PARTES REVIEW.—Chapter 31 of title 35, United States Code, is amended to read as follows:

''CHAPTER 31—INTER PARTES REVIEW

''Sec.
''311. Inter partes review.
''312. Petitions.
''313. Preliminary response to petition.
''314. Institution of inter partes review.
''315. Relation to other proceedings or actions.
''316. Conduct of inter partes review.
''317. Settlement.
''318. Decision of the board.
''319. Appeal.

''§ 311. Inter partes review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute an inter partes review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the review.

''(b) SCOPE.—A petitioner in an inter partes review may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

''(c) FILING DEADLINE.—A petition for inter partes review shall be filed after the later of either—

''(1) 9 months after the grant of a patent or issuance of a reissue of a patent; or

''(2) if a post-grant review is instituted under chapter 32, the date of the termination of such post-grant review.

"§ 312. Petitions

''(a) REQUIREMENTS OF PETITION.—A petition filed under section 311 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 311;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 311, the Director shall make the petition available to the public.

"§ 313. Preliminary response to petition

''(a) PRELIMINARY RESPONSE.—If an inter partes review petition is filed under section 311, the patent owner shall have the right to file a preliminary response within a time period set by the Director.

''(b) CONTENT OF RESPONSE.—A preliminary response to a petition for inter partes review shall set forth reasons why no inter partes review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

"§ 314. Institution of inter partes review

''(a) THRESHOLD.—The Director may not authorize an inter partes review to commence unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

''(b) TIMING.—The Director shall determine whether to institute an inter partes review under this chapter within 3 months after receiving a preliminary response under section 313 or, if none is filed, within three months after the expiration of the time for filing such a response.

''(c) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a), and shall make such notice available to the public as soon as is practicable. Such notice shall list the date on which the review shall commence.

''(d) NO APPEAL.—The determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable.

"§ 315. Relation to other proceedings or actions

''(a) INFRINGER'S ACTION.—An inter partes review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

[''(b) PATENT OWNER'S ACTION.—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.**]**

''(b) PATENT OWNER'S ACTION.—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 6 months after the date on which the petitioner, real party in interest, or his privy is served with a complaint alleging infringement of the patent. The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

''(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

''(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an inter partes review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the inter partes review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

''(e) ESTOPPEL.—

''(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

''(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

"§ 316. Conduct of inter partes review

''(a) REGULATIONS.—The Director shall prescribe regulations—

''(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

''(2) setting forth the standards for the showing of sufficient grounds to institute a review under section 314(a);

''(3) establishing procedures for the submission of supplemental information after the petition is filed;

''(4) in accordance with section 2(b)(2), establishing and governing inter partes review under this chapter and the relationship of such review to other proceedings under this title;

''(5) setting a time period for requesting joinder under section 315(c);

''(6) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

''(A) the deposition of witnesses submitting affidavits or declarations; and

''(B) what is otherwise necessary in the interest of justice;

''(7) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

''(8) providing for protective orders governing the exchange and submission of confidential information;

''(9) allowing the patent owner to file a response to the petition after an inter partes review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

''(10) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

''(11) providing either party with the right to an oral hearing as part of the proceeding; and

''(12) requiring that the final determination in an inter partes review be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 315(c).

''(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

''(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

''(d) AMENDMENT OF THE PATENT.—

''(1) IN GENERAL.—During an inter partes review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(A) Cancel any challenged patent claim.

''(B) For each challenged claim, propose a reasonable number of substitute claims.

''(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 317, or as permitted by regulations prescribed by the Director.

''(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

''(e) EVIDENTIARY STANDARDS.—In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

"§ 317. Settlement

''(a) IN GENERAL.—An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the inter partes review is terminated with respect to a petitioner under this section, no estoppel under section 315(e) shall apply to that petitioner. If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the inter partes review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the inter partes review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

''§ 318. Decision of the board

''(a) FINAL WRITTEN DECISION.—If an inter partes review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 316(d).

''(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

''§ 319. Appeal

''A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) may appeal the decision pursuant to sections 141 through 144. Any party to the inter partes review shall have the right to be a party to the appeal.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by striking the item relating to chapter 31 and inserting the following:

''31. Inter Partes Review ..... 311.''.

(c) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 31 of title 35, United States Code, as amended by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to all patents issued before, on, or after the effective date of subsection (a).

(B) EXCEPTION.—The provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), shall continue to apply to requests for inter partes reexamination that are filed prior to the effective date of subsection (a) as if subsection (a) had not been enacted.

(C) GRADUATED IMPLEMENTATION.—The Director may impose a limit on the number of inter partes reviews that may be instituted during each of the first 4 years following the effective date of subsection (a), provided that such number shall in each year be equivalent to or greater than the number of inter partes reexaminations that are ordered in the last full fiscal year prior to the effective date of subsection (a).

(3) TRANSITION.—

(A) IN GENERAL.—Chapter 31 of title 35, United States Code, is amended—

(i) in section 312—

(I) in subsection (a)—

(aa) in the first sentence, by striking ''a substantial new question of patentability affecting any claim of the patent concerned is raised by the request,'' and inserting ''the information presented in the request shows that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request,''; and

(bb) in the second sentence, by striking ''The existence of a substantial new question of patentability'' and inserting ''A showing that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request''; and

(II) in subsection (c), in the second sentence, by striking ''no substantial new question of patentability has been raised,'' and inserting ''the showing required by subsection (a) has not been made,''; and

(ii) in section 313, by striking ''a substantial new question of patentability affecting a claim of the patent is raised'' and inserting ''it has been shown that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request''.

(B) APPLICATION.—The amendments made by this paragraph shall apply to requests for inter partes reexamination that are filed on or after the date of the enactment of this Act, but prior to the effective date of subsection (a).

(d) POST-GRANT REVIEW.—Part III of title 35, United States Code, is amended by adding at the end the following:

''CHAPTER 32—POST-GRANT REVIEW

''Sec.
''321. Post-grant review.
''322. Petitions.
''323. Preliminary response to petition.
''324. Institution of post-grant review.
''325. Relation to other proceedings or actions.
''326. Conduct of post-grant review.
''327. Settlement.
''328. Decision of the board.
''329. Appeal.

''§ 321. Post-grant review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute a post-grant review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review.

''(b) SCOPE.—A petitioner in a post-grant review may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

''(c) FILING DEADLINE.—A petition for a post-grant review shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

''§ 322. Petitions

''(a) REQUIREMENTS OF PETITION.—A petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 321, the Director shall make the petition available to the public.

''§ 323. Preliminary response to petition

''(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response within 2 months of the filing of the petition.

''(b) CONTENT OF RESPONSE.—A preliminary response to a petition for post-grant review shall set forth reasons why no post-grant review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''§ 324. Institution of post-grant review

''(a) THRESHOLD.—The Director may not authorize a post-grant review to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

''(b) ADDITIONAL GROUNDS.—The determination required under subsection (a) may also be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

''(c) TIMING.—The Director shall determine whether to institute a post-grant review under this chapter within 3 months after receiving a preliminary response under section 323 or, if none is filed, the expiration of the time for filing such a response.

''(d) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a) or (b), and shall make such notice available to the public as soon as is practicable. The Director shall make each notice of the institution of a post-grant review available to the public. Such notice shall list the date on which the review shall commence.

''(e) NO APPEAL.—The determination by the Director whether to institute a post-grant review under this section shall be final and nonappealable.

''§ 325. Relation to other proceedings or actions

''(a) INFRINGER'S ACTION.—A post-grant review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

[''(b) PATENT OWNER'S ACTION.—A post-grant review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.**]**

''(b) PATENT OWNER'S ACTION.—A post-grant review may not be instituted if the petition requesting the proceeding is filed more than 6 months after the date on which the petitioner, real party in interest, or his privy is served with a complaint alleging infringement of the patent.

The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

''(c) JOINDER.—If more than 1 petition for a post-grant review is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the institution of a post-grant review under section 324, the Director may consolidate such reviews into a single post-grant review.

''(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the post-grant review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding. In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

''(e) ESTOPPEL.—

''(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

''(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

''(f) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted.

''(g) REISSUE PATENTS.—A post-grant review may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(c) would bar filing a petition for a post-grant review for such original patent.

''§ 326. Conduct of post-grant review

''(a) REGULATIONS.—The Director shall prescribe regulations—

''(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

''(2) setting forth the standards for the showing of sufficient grounds to institute a review under subsections (a) and (b) of section 324;

''(3) establishing procedures for the submission of supplemental information after the petition is filed;

''(4) in accordance with section 2(b)(2), establishing and governing a post-grant review under this chapter and the relationship of such review to other proceedings under this title;

''(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding;

''(6) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

''(7) providing for protective orders governing the exchange and submission of confidential information;

''(8) allowing the patent owner to file a response to the petition after a post-grant review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

''(9) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

''(10) providing either party with the right to an oral hearing as part of the proceeding; and

''(11) requiring that the final determination in any post-grant review be issued not later than 1 year after the date on which the Director notices the institution of a proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(c).

''(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

''(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

''(d) AMENDMENT OF THE PATENT.—

''(1) IN GENERAL.—During a post-grant review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(A) Cancel any challenged patent claim.

''(B) For each challenged claim, propose a reasonable number of substitute claims.

''(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 327, or upon the request of the patent owner for good cause shown.

''(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

''(e) EVIDENTIARY STANDARDS.—In a post-grant review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

''§ 327. Settlement

''(a) IN GENERAL.—A post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the post-grant review is terminated with respect to a petitioner under this section, no estoppel under section 325(e) shall apply to that petitioner. If no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a).

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review under this section shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of the post-grant review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

''§ 328. Decision of the board

''(a) FINAL WRITTEN DECISION.—If a post-grant review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 326(d).

''(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

''§ 329. Appeal

''A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 328(a) may appeal the decision pursuant to sections 141 through 144. Any party to the post-grant review shall have the right to be a party to the appeal.''.

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review ..... 321.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is **1 year** *18 months* after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (d) of this section.

(2) APPLICABILITY.—The amendments made by subsection (d) shall take effect on the date that is **[**1 year**]** *18 months* after the date of the enactment of this Act and shall apply only to patents issued on or after that date. The Director may impose a limit on the number of post-grant reviews that may be instituted during each of the 4 years following the effective date of subsection (d).

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date of subsection (d) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review under chapter 32 of title 35, United States Code, or is to

proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1). For purposes of an interference that is commenced before the effective date of subsection (d), the Director may deem the Patent Trial and Appeal Board to be the Board of Patent Appeals and Interferences, and may allow the Patent Trial and Appeal Board to conduct any further proceedings in that interference. The authorization to appeal or have remedy from derivation proceedings in sections 141(d) and 146 of title 35, United States Code, and the jurisdiction to entertain appeals from derivation proceedings in section 1295(a)(4)(A) of title 28, United States Code, shall be deemed to extend to final decisions in interferences that are commenced before the effective date of subsection (d) and that are not dismissed pursuant to this paragraph.

(g) CITATION OF PRIOR ART AND WRITTEN STATEMENTS.—

(1) IN GENERAL.—Section 301 of title 35, United States Code, is amended to read as follows:

"§ 301. Citation of prior art and written statements

''(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

''(1) prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent; or

''(2) statements of the patent owner filed in a proceeding before a Federal court or the Office in which the patent owner took a position on the scope of any claim of a particular patent.

''(b) OFFICIAL FILE.—If the person citing prior art or written statements pursuant to subsection (a) explains in writing the pertinence and manner of applying the prior art or written statements to at least 1 claim of the patent, the citation of the prior art or written statements and the explanation thereof shall become a part of the official file of the patent.

''(c) ADDITIONAL INFORMATION.—A party that submits a written statement pursuant to subsection (a)(2) shall include any other documents, pleadings, or evidence from the proceeding in which the statement was filed that addresses the written statement.

''(d) LIMITATIONS.—A written statement submitted pursuant to subsection (a)(2), and additional information submitted pursuant to subsection (c), shall not be considered by the Office for any purpose other than to determine the proper meaning of a patent claim in a proceeding that is ordered or instituted pursuant to section 304, 314, or 324. If any such written statement or additional information is subject to an applicable protective order, it shall be redacted to exclude information that is subject to that order.

''(e) CONFIDENTIALITY.—Upon the written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect [1 year] *18 months* after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(h) REEXAMINATION.—

(1) DETERMINATION BY DIRECTOR.—

(A) IN GENERAL.—Section 303(a) of title 35, United States Code, is amended by striking ''section 301 of this title'' and inserting ''section 301 or 302''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect [1 year] *18 months* after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(2) APPEAL.—

(A) IN GENERAL.—Section 306 of title 35, United States Code, is amended by striking ''145'' and inserting ''144''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on the date of enactment of this Act and shall apply to appeals of reexaminations that are pending before the Board of Patent Appeals and Interferences or the Patent Trial and Appeal Board on or after the date of the enactment of this Act.

SEC. 6. PATENT TRIAL AND APPEAL BOARD.

(a) COMPOSITION AND DUTIES.—Section 6 of title 35, United States Code, is amended to read as follows:

"§ 6. Patent Trial and Appeal Board

''(a) There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary, in consultation with the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);

''(2) review appeals of reexaminations pursuant to section 134(b);

''(3) conduct derivation proceedings pursuant to section 135; and

''(4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

''(c) Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.

''(d) The Secretary of Commerce may, in his discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge. It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.''.

(b) ADMINISTRATIVE APPEALS.—Section 134 of title 35, United States Code, is amended—

(1) in subsection (b), by striking ''any reexamination proceeding'' and inserting ''a reexamination''; and

(2) by striking subsection (c).

(c) CIRCUIT APPEALS.—

(1) IN GENERAL.—Section 141 of title 35, United States Code, is amended to read as follows:

"§ 141. Appeal to the Court of Appeals for the Federal Circuit

''(a) EXAMINATIONS.—An applicant who is dissatisfied with the final decision in an appeal to the Patent Trial and Appeal Board under section 134(a) may appeal the Board's decision to the United States Court of Appeals for the Federal Circuit. By filing such an appeal, the applicant waives his right to proceed under section 145.

''(b) REEXAMINATIONS.—A patent owner who is dissatisfied with the final decision in an appeal of a reexamination to the Patent Trial and Appeal Board under section 134(b) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

''(c) POST-GRANT AND INTER PARTES REVIEWS.—A party to a post-grant or inter partes review who is dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) or 328(a) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

''(d) DERIVATION PROCEEDINGS.—A party to a derivation proceeding who is dissatisfied with the final decision of the Patent Trial and Appeal Board on the proceeding may appeal the decision to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such derivation proceeding, within 20 days after the appellant has filed notice of appeal in accordance with section 142, files notice with the Director that the party elects to have all further proceedings conducted as provided in section 146. If the appellant does not, within 30 days after the filing of such notice by the adverse party, file a civil action under section 146, the Board's decision shall govern the further proceedings in the case.''.

(2) JURISDICTION.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, reexaminations, post-grant reviews, and inter partes reviews at the instance of a party who exercised his right to participate in a proceeding before or appeal to the Board, except that an applicant or a party to a derivation proceeding may also have remedy by civil action pursuant to section 145 or 146 of title 35. An appeal under this subparagraph of a decision of the Board with respect to an application or derivation proceeding shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35;''.

(3) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended—

(A) by striking the third sentence and inserting the following: ''In an ex parte case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all of the issues raised in the appeal. The Director shall have the right to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board in a derivation proceeding under section 135 or in an inter partes or post-grant review under chapter 31 or 32.''; and

(B) by repealing the second of the two identical fourth sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect [1 year] *18 months* after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date, except that—

(1) the extension of jurisdiction to the United States Court of Appeals for the Federal Circuit to entertain appeals of decisions of the Patent Trial and Appeal Board in reexaminations under the amendment made by subsection (c)(2) shall be deemed to take effect on the date of enactment of this Act and shall extend to any decision of the Board of Patent Appeals and Interferences with respect to a reexamination that is entered before, on, or after the date of the enactment of this Act;

(2) the provisions of sections 6, 134, and 141 of title 35, United States Code, in effect on

the day prior to the date of the enactment of this Act shall continue to apply to inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] *18 months* after the date of the enactment of this Act;

(3) the Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of appeals of inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] *18 months* after the date of the enactment of this Act; and

(4) the Director's right under the last sentence of section 143 of title 35, United States Code, as amended by subsection (c)(3), to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board shall be deemed to extend to inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] *18 months* after the date of the enactment of this Act.

SEC. 7. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

(a) IN GENERAL.—Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any third party may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other printed publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is given or mailed in the application for patent; or

''(B) the later of—

''(i) 6 months after the date on which the application for patent is first published under section 122 by the Office, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications filed before, on, or after that effective date.

SEC. 8. VENUE.

(a) CHANGE OF VENUE.—Section 1400 of title 28, United States Code, is amended by adding at the end the following:

''(c) CHANGE OF VENUE.—For the convenience of parties and witnesses, in the interest of justice, a district court shall transfer any civil action arising under any Act of Congress relating to patents upon a showing that the transferee venue is clearly more convenient than the venue in which the civil action is pending.''.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act''; 15 U.S.C. 1071(b)(4)), are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to civil actions commenced on or after that date.

SEC. 9. FEE SETTING AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code, or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), or any other fee established or charged by the Office under any other provision of law, notwithstanding the fee amounts established or charged thereunder, for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

(2) SMALL AND MICRO ENTITIES.—The fees established under paragraph (1) for filing, processing, issuing, and maintaining patent applications and patents shall be reduced by 50 percent with respect to their application to any small entity that qualifies for reduced fees under section 41(h)(1) of title 35, United States Code, and shall be reduced by 75 percent with respect to their application to any micro entity as defined in section 123 of that title.

(3) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after the consultation required under subparagraph (A), may reduce such fees.

(4) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent Public Advisory Committee or the Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final rule setting or adjusting fees under paragraph (1).

(5) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(6) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any final rule setting or adjusting fees under paragraph (1). No fee set or adjusted under paragraph (1) shall be effective prior to the end of such 45-day comment period.

(7) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under title 35, United States Code, or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005—

(1) in subsections (a), (b), and (c) of section 801, by—

(A) striking ''During'' and all that follows through '' 2006, subsection'' and inserting ''Subsection''; and

(B) striking ''shall be administered as though that subsection reads'' and inserting ''is amended to read'';

(2) in subsection (d) of section 801, by striking ''During'' and all that follows through '' 2006, subsection'' and inserting ''Subsection''; and

(3) in subsection (e) of section 801, by—

(A) striking ''During'' and all that follows through ''2006, subsection'' and inserting ''Subsection''; and

(B) striking ''shall be administered as though that subsection''.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking ''During fiscal years 2005, 2006 and 2007'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION PROVISIONS.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005, 2006 and 2007''.

(e) STATUTORY AUTHORITY.—Section 41(d)(1)(A) of title 35, United States Code, is amended by striking '', and the Director may not increase any such fee thereafter''.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108–447, including section 801(c) of title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(g) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

(h) ELECTRONIC FILING INCENTIVE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a fee of $400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(2) EFFECTIVE DATE.—This subsection shall become effective 60 days after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—Except as provided in subsection (h), the provisions of this section shall take effect upon the date of the enactment of this Act.

SEC. 10. SUPPLEMENTAL EXAMINATION.

(a) IN GENERAL.—Chapter 25 of title 35, United States Code, is amended by adding at the end the following:

''§ 257. Supplemental examinations to consider, reconsider, or correct information

''(a) IN GENERAL.—A patent owner may request supplemental examination of a patent in the Office to consider, reconsider, or correct information believed to be relevant to the patent. Within 3 months of the date a request for supplemental examination meeting the requirements of this section is received, the Director shall conduct the supplemental examination and shall conclude such examination by issuing a certificate indicating whether the information presented in the request raises a substantial new question of patentability.

''(b) REEXAMINATION ORDERED.—If a substantial new question of patentability is raised by 1 or more items of information in the request, the Director shall order reexamination of the patent. The reexamination shall be conducted according to procedures established by chapter 30, except that the patent owner shall not have the right to file a statement pursuant to section 304. During the reexamination, the Director shall address each substantial new question of patentability identified during the supplemental examination, notwithstanding the limitations therein relating to patents and printed publication or any other provision of chapter 30.

''(c) EFFECT.—

''(1) IN GENERAL.—A patent shall not be held unenforceable on the basis of conduct relating to information that had not been considered, was inadequately considered, or was incorrect in a prior examination of the patent if the information was considered, reconsidered, or corrected during a supplemental examination of the patent. The making of a request under subsection (a), or the absence thereof, shall not be relevant to enforceability of the patent under section 282.

''(2) EXCEPTIONS.—

''(A) PRIOR ALLEGATIONS.—This subsection shall not apply to an allegation pled with particularity, or set forth with particularity in a notice received by the patent owner under section 505(j)(2)(B)(iv)(II) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(B)(iv)(II)), before the date of a supplemental-examination request under subsection (a) to consider, reconsider, or correct information forming the basis for the allegation.

''(B) PATENT ENFORCEMENT ACTIONS.—In an action brought under section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)), or section 281 of this title, this subsection shall not apply to any defense raised in the action that is based upon information that was considered, reconsidered, or corrected pursuant to a supplemental-examination request under subsection (a) unless the supplemental examination, and any reexamination ordered pursuant to the request, are concluded before the date on which the action is brought.

''(d) FEES AND REGULATIONS.—The Director shall, by regulation, establish fees for the submission of a request for supplemental examination of a patent, and to consider each item of information submitted in the request. If reexamination is ordered pursuant to subsection (a), fees established and applicable to ex parte reexamination proceedings under chapter 30 shall be paid in addition to fees applicable to supplemental examination. The Director shall promulgate regulations governing the form, content, and other requirements of requests for supplemental examination, and establishing procedures for conducting review of information submitted in such requests.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition);

''(2) to limit the authority of the Director to investigate issues of possible misconduct and impose sanctions for misconduct in connection with matters or proceedings before the Office; or

''(3) to limit the authority of the Director to promulgate regulations under chapter 3 relating to sanctions for misconduct by representatives practicing before the Office.''.

(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date.

[SEC. 11. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

[(a) RESIDENCY.—The second sentence of section 44(c) of title 28, United States Code, is repealed.

[(b) FACILITIES.—Section 44 of title 28, United States Code, is amended by adding at the end the following:

[''(e)(1) The Director of the Administrative Office of the United States Courts shall provide—

[''(A) a judge of the Federal judicial circuit who lives within 50 miles of the District of Columbia with appropriate facilities and administrative support services in the District of the District of Columbia; and

[''(B) a judge of the Federal judicial circuit who does not live within 50 miles of the District of Columbia with appropriate facilities and administrative support services—

[''(i) in the district and division in which that judge resides; or

[''(ii) if appropriate facilities are not available in the district and division in which that judge resides, in the district and division closest to the residence of that judge in which such facilities are available, as determined by the Director.

[''(2) Nothing in this subsection may be construed to authorize or require the construction of new facilities.''.]

SEC. 11. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

(a) IN GENERAL.—Section 44(c) of title 28, United States Code, is amended—

(1) by repealing the second sentence; and

(2) in the third sentence, by striking ''state'' and inserting ''State''.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 12. MICRO ENTITY DEFINED.

Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Micro entity defined

''(a) IN GENERAL.—For purposes of this title, the term 'micro entity' means an applicant who makes a certification under either subsection (b) or (c).

''(b) UNASSIGNED APPLICATION.—For an unassigned application, each applicant shall certify that the applicant—

''(1) qualifies as a small entity, as defined in regulations issued by the Director;

''(2) has not been named on 5 or more previously filed patent applications;

''(3) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or any other ownership interest in the particular application; and

''(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

''(c) ASSIGNED APPLICATION.—For an assigned application, each applicant shall certify that the applicant—

''(1) qualifies as a small entity, as defined in regulations issued by the Director, and meets the requirements of subsection (b)(4);

''(2) has not been named on 5 or more previously filed patent applications; and

''(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to an entity that has 5 or fewer employees and that such entity has a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), that does not exceed 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

''(d) INCOME LEVEL ADJUSTMENT.—The gross income levels established under subsections (b) and (c) shall be adjusted by the Director on October 1, 2009, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index, as determined by the Secretary of Labor.''.

SEC. 13. FUNDING AGREEMENTS.

(a) IN GENERAL.—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by striking ''75 percent'' and inserting ''15 percent''; and

(2) by striking ''25 percent'' and inserting ''85 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to patents issued before, on, or after that date.

SEC. 14. TAX STRATEGIES DEEMED WITHIN THE PRIOR ART.

(a) IN GENERAL.—For purposes of evaluating an invention under section 102 or 103 of title 35, United States Code, any strategy for reducing, avoiding, or deferring tax liability, whether known or unknown at the time of the invention or application for patent, shall be deemed insufficient to differentiate a claimed invention from the prior art.

(b) DEFINITION.—For purposes of this section, the term ''tax liability'' refers to any liability for a tax under any Federal, State, or local law, or the law of any foreign jurisdiction, including any statute, rule, regulation, or ordinance that levies, imposes, or assesses such tax liability.

(c) EFFECTIVE DATE; APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to any patent application pending and any patent issued on or after that date.

SEC. 15. BEST MODE REQUIREMENT.

(a) IN GENERAL.—Section 282 of title 35, United State Code, is amended in its second undesignated paragraph by striking paragraph (3) and inserting the following:

''(3) Invalidity of the patent or any claim in suit for failure to comply with—

''(A) any requirement of section 112, except that the failure to disclose the best mode shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable; or

''(B) any requirement of section 251.''.

(b) CONFORMING AMENDMENT.—Sections 119(e)(1) and 120 of title 35, United States Code, are each amended by striking ''the first paragraph of section 112 of this title'' and inserting ''section 112(a) (other than the requirement to disclose the best mode)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to proceedings commenced on or after that date.

SEC. 16. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph—

(A) by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intent on his part,''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when''; and

(B) by striking ''and without deceptive intent'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking ''and without deceptive intent''.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(B) by striking ''without any deceptive intention'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provisions'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever, without any deceptive intention'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intention on his part''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent''; and

(B) by striking the third sentence;

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking '', without deceptive intention,''.

(i) REVISER'S NOTES.—

(1) Section 3(e)(2) of title 35, United States Code, is amended by striking ''this Act,'' and inserting ''that Act,''.

[(2) Section 202(b)(3) of title 35, United States Code, is amended by striking ''the section 203(b)'' and inserting ''section 203(b)''.]

(2) Section 202 of title 35, United States Code, is amended—

(A) in subsection (b)(3), by striking ''the section 203(b)'' and inserting ''section 203(b)''; and

(B) in subsection (c)(7)—

(i) in subparagraph (D), by striking ''except where it proves'' and all that follows through ''; and'' and inserting: ''except where it is determined to be infeasible following a reasonable inquiry, a preference in the licensing of subject inventions shall be given to small business firms; and''; and

(ii) in subparagraph (E)(i), by striking ''as described above in this clause (D);'' and inserting ''described above in this clause;''.

(3) Section 209(d)(1) of title 35, United States Code, is amended by striking ''nontransferrable'' and inserting ''nontransferable''.

(4) Section 287(c)(2)(G) of title 35, United States Code, is amended by striking ''any state'' and inserting ''any State''.

(5) Section 371(b) of title 35, United States Code, is amended by striking ''of the treaty'' and inserting ''of the treaty.''.

(j) UNNECESSARY REFERENCES.—

(1) IN GENERAL.—Title 35, United States Code, is amended by striking ''of this title'' each place that term appears.

(2) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the use of such term in the following sections of title 35, United States Code:

(A) Section 1(c).

(B) Section 101.

(C) Subsections (a) and (b) of section 105.

(D) The first instance of the use of such term in section 111(b)(8).

(E) Section 157(a).

(F) Section 161.

(G) Section 164.

(H) Section 171.

(I) Section 251(c), as so designated by this section.

(J) Section 261.

(K) Subsections (g) and (h) of section 271.

(L) Section 287(b)(1).

(M) Section 289.

(N) The first instance of the use of such term in section 375(a).

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date.

SEC. 17. CLARIFICATION OF JURISDICTION.

(a) SHORT TITLE.—This section may be cited as the ''Intellectual Property Jurisdiction Clarification Act of 2011''.

(b) STATE COURT JURISDICTION.—Section 1338(a) of title 28, United States Code, is amended by striking the second sentence and inserting the following: ''No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights.''.

(c) COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 1295(a)(1) of title 28, United States Code, is amended to read as follows:

''(1) of an appeal from a final decision of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court of the Northern Mariana Islands, in any civil action arising under, or in any civil action in which a party has asserted a compulsory counterclaim arising under, any Act of Congress relating to patents or plant variety protection;''.

(d) REMOVAL.—

(1) IN GENERAL.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1454. Patent, plant variety protection, and copyright cases

''(a) IN GENERAL.—A civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights may be removed to the district court of the United States for the district and division embracing the place where such action is pending.

''(b) SPECIAL RULES.—The removal of an action under this section shall be made in accordance with section 1446 of this chapter, except that if the removal is based solely on this section—

''(1) the action may be removed by any party; and

''(2) the time limitations contained in section 1446(b) may be extended at any time for cause shown.

''(c) REMAND.—If a civil action is removed solely under this section, the district court—

''(1) shall remand all claims that are neither a basis for removal under subsection (a) nor within the original or supplemental jurisdiction of the district court under any Act of Congress; and

''(2) may, under the circumstances specified in section 1367(c), remand any claims within the supplemental jurisdiction of the district court under section 1367.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding at the end the following new item:

''1454. Patent, plant variety protection, and copyright cases.''.

(e) TRANSFER BY COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1632. Transfer by the Court of Appeals for the Federal Circuit

''When a case is appealed to the Court of Appeals for the Federal Circuit under section 1295(a)(1), and no claim for relief arising under any Act of Congress relating to patents or plant variety protection is the subject of the appeal by

any party, the Court of Appeals for the Federal Circuit shall transfer the appeal to the court of appeals for the regional circuit embracing the district from which the appeal has been taken.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Transfer by the Court of Appeals for the Federal Circuit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. [17.]*18.* EFFECTIVE DATE[; RULE OF CONSTRUCTION.

[(a) EFFECTIVE DATE.]—Except as otherwise provided in this Act, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

[(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(c) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(c) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.]

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; further, that the amended version be considered original text for the purposes of further amendment.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

The committee-reported amendments were agreed to.

Mr. LEAHY. Mr. President, the Senate today is turning its attention to a measure that will help create jobs, energize the economy, and promote innovation. The Patent Reform Act, which has also come to be called the America Invents Act, is a key part of any jobs agenda.

We can help unleash innovation and promote American invention, all without adding a penny to the deficit. This is commonsense and bipartisan legislation. During the next few days, the Senate can come together to pass this needed legislation, and do so in a bipartisan manner. It represents the finest traditions of the Senate.

I thank the majority leader for proceeding to this measure, and the Republican leader for his cooperation.

This is a bill that was reported unanimously by the members of the Judiciary Committee. Republicans and Democrats alike recognize that it is important to our country's continued economic recovery, and to our ability to successfully compete in the global economy. America needs a 21st century patent system in order to lead. The last reform of our patent system was nearly 60 years ago, and I think it is about time the patent system caught up with the needs of this country and what the rest of the world has already done.

In his State of the Union Address, President Obama challenged the Nation to out-innovate, out-build, and out-educate. Enacting the America Invents Act is a key to meeting this challenge.

Reforming the Nation's antiquated patent system will promote American innovation, it will create American jobs, and it will grow America's economy. I thank the President and his administration for their help and support for the Leahy-Hatch-Grassley America Invents Act.

Commerce Secretary Locke has been a strong partner in our efforts, and Director Kappos of the Patent and Trademark Office has been an indispensable source of wise counsel.

Innovation drives the Nation's economy, and that entrepreneurial spirit can only be protected by a patent system that promotes invention and spurs new ideas. We need to reform our patent system so that these innovations can more quickly get to market.

A modernized patent system—one that puts American entrepreneurs on the same playing field as those throughout the world—is a key to that success. This is an idea that cuts across the political spectrum.

Our bipartisan Senate cosponsors include Senator KOHL of Wisconsin, Senator KLOBUCHAR of Minnesota, Senator GILLIBRAND of New York, the distinguished Acting President pro tempore, Senator COONS of Delaware, as well as Senator KYL, the assistant Republican leader, Senator SESSIONS of Alabama, Senator LIEBERMAN of Connecticut, Senator FRANKEN of Minnesota, Senator BLUMENTHAL of Connecticut, and Senator HARKIN of Iowa.

Republicans and Democrats from big States and small, and from all ends of the political spectrum, are coming together to support American innovation.

The Senate Judiciary Committee unanimously approved this legislation on February 3, 2011. But this effort extends back several years. Our current congressional efforts to reform the Nation's patent system began in 2005. Indeed, our bill is the product of years of work and compromise. The Senate Judiciary Committee has reported patent reform legislation to the Senate in each of the last three Congresses. And the House has seen efforts over the same period led by Congressmen LAMAR SMITH of Texas and HOWARD BERMAN of California. The legislation we are considering today, in fact, is structured on the original House bill and contains many of the original provisions.

From the beginning, we each recognized the need for a more effective and efficient patent system, one that improves patent quality and provides incentives for entrepreneurs to create jobs.

A balanced and efficient intellectual property system that rewards invention and promotes innovation through high-quality patents is crucial to our Nation's economic prosperity and job growth. It is how we win the future—by unleashing the American inventive spirit. This bill, the America Invents Act, will allow our inventors and innovators to flourish, and it will do so without adding a penny to the deficit.

Not a dime in taxpayer money is spent on the Patent and Trademark Office reforms. They are all funded by patent fees, not taxes.

The America Invents Act will accomplish three important goals, which have been at the center of the patent reform debate from the beginning: It will improve and harmonize operations at the Patent and Trademark Office; it will improve the quality of patents that are issued; and it will provide more certainty in litigation.

Particularly, this legislation will transition our Nation's patent system to a first-inventor-to-file system. It will also make changes to improve the quality of patents that are issued, and it will provide the PTO with the resources it needs to work through its backlog.

The America Invents Act provides the tools the PTO needs to separate the inventive wheat from the chaff, to help businesses bring new products to market and create jobs.

This is interesting because this is a piece of legislation that is supported by both business and labor—something we all want to see in this Chamber—including the National Association of Manufacturers, the United Steelworkers, the National Venture Capital Association, the AFL–CIO, the Association of American Universities, and companies representing all sectors of the patent community that have been urging action on patent reform proposals for years.

Innovation has always been at the heart of America and American success. From the founding of our Nation, we recognized the importance of promoting and protecting innovation. The Constitution explicitly grants Congress the power to ''promote the progress and science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries.'' It is not a creature of the legislature but an integral part of our Constitution.

The patent system plays a key role in encouraging innovation and bringing new products to market. The discoveries made by American inventors and research institutions, commercialized by our companies, and protected and promoted by our patent laws, have made our system the envy of the world.

In spite of this, a Newsweek study last year found that only 41 percent of Americans believe the United States is staying ahead of China in innovation.

A Thompson Reuters analysis has already predicted that China will outpace the United States in patent filings this year.

China has a specific plan not just to overtake the United States in patent applications, but to more than quadruple its patent filings over the next 5 years—all the more reason why we must act now. This is not something that should be delayed. We should act on it. Delaying it is saying we want China to overtake the United States. Moving forward says we want to be competitive.

It is astonishing to consider that China has been modernizing its patent laws and promoting innovation, but the United States has failed to keep pace. I said before, it has been 60 years since we last enacted reform of American patent law. We can no longer wait. We can no longer remain complacent and expect to stay on top.

In many areas that were highly contentious when the patent reform debate began, the courts have acted. Their decisions reflect the concerns heard in Congress that questionable patents were too easily obtained, too difficult to challenge. The courts have moved the law in a generally positive direction, more closely aligned with the text of the statutes.

More recently, the Federal circuit aggressively moved to constrain runaway damage awards, which plagued the patent system by basing awards on unreliable numbers, untethered to the reality of licensing decisions.

The courts have addressed issues where they can, but in some areas only Congress can take the necessary steps. Our act will both speed the application process and, at the same time, improve patent quality. It will provide the USPTO with the resources it needs to work through its application backlog, while also providing for greater input from third parties to improve the quality of patents issued and that remain in effect.

High quality patents are the key to our economic growth. They benefit both patent owners and users, who can be more confident in the validity of issued patents. Patents of low quality and dubious validity, by contrast, enable patent trolls who extort unreasonable licensing fees from legitimate businesses, and constitute a drag on innovation. Too many dubious patents also unjustly cast doubt on truly high quality patents.

The Department of Commerce issued a report indicating that these reforms will create jobs without adding to the deficit. The Obama administration supports these efforts, as do industries and stakeholders from all sectors of the patent community. Congressional action can no longer be delayed.

Innovation and economic development are not uniquely Democratic or Republican objectives, so we worked together to find the proper balance for America, for our economy, for our inventors, for our consumers.

Thomas Friedman wrote not too long ago in the New York Times that the country which ''endows its people with more tools and basic research to invent new goods and services . . . is the one that will not just survive but thrive down the road. . . . We might be able to stimulate our way back to stability, but we can only invent our way back to prosperity.''

I think of the country's first patent, which was issued to a Vermonter. Thomas Jefferson, the Secretary of State, examined the application, and President George Washington signed it.

A recent Judiciary Committee meeting on this measure was on the anniversary of the day Thomas Edison received the historic patent for the principles of his incandescent lamp that paved the way for the bulb that has illuminated our homes, offices, and venues in our country and around the world.

This week is when the patent was issued for lifesaving improvements to the diver's suit. It was magician Harry Houdini who devised a mechanism that allowed divers in distress to safely escape a diving suit.

So we can smooth the path for more interesting and great American inventions. That is what the bipartisan comprehensive patent reform bill would do.

I wish to recognize in particular the work of Senator HATCH, who is here on the Senate floor—and he has been a longtime partner of mine on intellectual property issues—and Senator GRASSLEY, the ranking Republican on our committee. The bill has also received tremendous input from Senator KYL, Senator KLOBUCHAR, Senator SESSIONS and many others. We are working together, along with those on both sides of the aisle in the House, to reach the goal of improving patent quality and the operations at the PTO, and to address the related unpredictability of litigation that has been harming innovation.

No one claims that ours is a perfect bill. It is a compromise that will make key improvements in the patent system. Over the course of the next couple of days, the Senate will have the opportunity to consider amendments.

Senator COBURN intends to bring an amendment on the use of patent fees. Other Senators who disagree with the move to a first-to-file system may seek to reverse that progress. I urge those Senators that have amendments to come forward, agree to time agreements and proceed without delay.

We should be able to complete action on this bill this week and I would hope by Wednesday night. Then the Senate will need to move on to other important matters. So after a brief period for opening statements to outline the bill and frame the debate, I will call for Senators to come forward with any amendments they may have to the bill. This bill is important and its scheduling comes as no surprise. It was more than 10 days ago that the Senate unanimously agreed to its consideration.

So, let us do our job, and get to the task of considering and completing action on this important bill in order to help create jobs, encourage innovation and promote American invention.

Mr. President, some of the Nation's leading innovators and inventors have expressed strong support for S. 23, the America Invents Act. The Coalition for Patent and Trademark Information Dissemination, whose members are patent and trademark holders, recently wrote to the Senate Judiciary Committee in support of the bill, stating that its members have ''an interest in a more efficient system that produces higher-quality patents and trademarks.'' The Intellectual Property Owners Association, one of the largest trade associations devoted to intellectual property rights also recently wrote to Senators endorsing important provisions in the bill, including the first-to-file system. I ask that these letters, as well as a statement of support from the Coalition for 21st Century Patent Reform be printed in the RECORD at this time. I also ask that a list of cross-sector manufacturers and innovators that support S. 23 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR PATENT AND TRADEMARK INFORMATION DISSEMINATION,

February 1, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY
Ranking Member, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The Coalition writes in support of S. 23, the Patent Reform Act of 2011.

Coalition members are information services and workflow solution provider companies that offer value-added patent and trademark information services. Our services are aimed at enabling patent and trademark applicants to find and make available the most relevant information related to their claimed inventions and marks through the data enhancements and state of the art search tools provided. Members also are patent and trademark holders with growing numbers of patent and trademark applications who have an interest in a more efficient system that produces higher-quality patents and trademarks.

Patent quality is directly related to the adequacy of the prior art presented to examiners. When applicants conduct a patentability search and disclose all relevant prior art to examiners, examiners will have a significantly increased likelihood of making the right decision about patentability. A major positive addition to patent law would be the provisions in S. 23 allowing submission of patents or other publications by third parties while applications are still under consideration by the USPTO. This should further add to the prior art made available to the examiner and has the potential to greatly enhance patent quality.

Additionally, we applaud the inclusion of supplemental examination provisions in the bill. This will allow patent holders to request a review of patents where pertinent history or information may have been intentionally omitted in original requests. The inclusion

of this provision will further strengthen our laws to prevent unlawful infringement.

We are delighted that a provision disallowing outsourcing of USPTO searches no longer seems to be under consideration. Coalition members believe that the USPTO should be able to contract with private companies to perform searches, whether as part of the PCT process, as is now currently permitted, or possibly for national searches at some future time. USPTO operational flexibility with PCT searches has proven to drastically reduce pendency rates. Achieving quality, speed, and cost-effectiveness in USPTO processes is a goal to encourage. USPTO management should be empowered to use the best source or sources for searches.

There is one addition to S. 23 that we would hope to see as the legislation advances. Coalition members believe that full disclosure of prior art information to examiners is constrained by concerns about inequitable conduct liability. We urge Congress to reform the inequitable conduct defense in order to remove the disincentive for full disclosure of all prior art.

We appreciate this opportunity to express our positions on patent reform issues, and the members of the Coalition stand ready to work with the Senate Judiciary Committee as it considers patent reform legislation.

Sincerely,

MARLA GROSSMAN,
Executive Director, Coalition for Patent and Trademark Information Dissemination.

INTELLECTUAL PROPERTY OWNERS ASSOCIATION,
February 25, 2011.

Re amendments to S. 23, the ''Patent Reform Act of 2011''

The Hon. _____
U.S. Senate,
Washington, DC.

DEAR SENATOR _____: Intellectual Property Owners Association (IPO) is pleased that the Senate is planning to proceed with consideration of S. 23, the ''Patent Reform Act of 2011.''

IPO is one of the largest and most diverse trade associations devoted to intellectual property rights. Our 200 corporate members cover a broad spectrum of U.S. companies in industries ranging from information technology to consumer products to pharmaceuticals and biotechnology.

We wish to give you our advice on amendments that we understand might be offered during consideration of S. 23:

Vote AGAINST any amendment to delete the ''first-inventor-to-file'' and related provisions in section 2 of the bill. First-inventor-to-file, explained in a 1-page attachment to this letter, is central to modernization and simplification of patent law and is very widely supported by U.S. companies.

Vote FOR any amendment guaranteeing the U.S. Patent and Trademark Office access to all user fees paid to the agency by patent and trademark owners and applicants. Current delays in processing patent applications are totally unacceptable and the result of an underfunded Patent and Trademark Office.

Vote AGAINST any amendment that would interpose substantial barriers to enforcement of validly-granted ''business method'' patents. IPO supports business method patents that were upheld by the U.S. Supreme Court in the recent Bilski decision.

For more information, please call IPO at 202–507–4500.

Sincerely,

DOUGLAS K. NORMAN,
President.

INTELLECTUAL PROPERTY OWNERS ASSOCIATION,
February 25, 2011.

FIRST-INVENTOR-TO-FILE IN S. 23, THE ''PATENT REFORM ACT OF 2011''

Section 2 of S. 23 simplifies and modernizes U.S. patent law by awarding the patent to the first of two competing inventors to file in the U.S. Patent and Trademark Office (PTO), a change from the traditional system of awarding the patent, in theory, to the first inventor to invent. First-inventor-to-file in S. 23 has these advantages:

Eliminates costly and slow patent interferences proceedings conducted in the PTO and the courts to determine which inventor was the first to invent.

Creates legal certainty about rights in all patents, the vast majority of which never become entangled in interference proceedings in the first place, but which are still subject to the possibility under current law that another inventor might come forward and seek to invalidate the patent on the ground that this other inventor, who never applied for a patent, was the first to invent.

Encourages both large and small patent applicants to file more quickly in order to establish an early filing date. Early filing leads to early disclosure of technology to the public, enabling other parties to build on and improve the technology. (Applicants who plan to file afterward in other countries already have the incentive to file quickly in the U.S.)

Makes feasible the introduction of post-grant opposition proceedings to improve the quality of patents, by reducing the issues that could be raised in a post-grant proceeding, thereby limiting costs and delay.

Follows up on changes already made by Congress that (1) established inexpensive and easy-to-file provisional patent applications and, (2) in order to comply with treaty obligations, allowed foreign inventors to participate in U.S. patent interference proceedings.

THE COALITION FOR 21ST CENTURY PATENT REFORM

BIPARTISAN EFFORTS MOVE STRONG PATENT REFORM BILL FORWARD IN SENATE—COALITION SUPPORTS COMMITMENT TO IMPROVE PATENT SYSTEM FOR ALL INVENTORS

Washington, DC.—Gary Griswold of the Coalition for 21st Century Patent Reform today released the following statement after the Senate Judiciary Committee overwhelmingly approved S. 23, The Patent Reform Act of 2011. The Coalition appreciates the strong bipartisan support of the bill in the committee and the recognition by the Senators that patent reform will spur innovation and help create jobs across all business sectors.

''Our Coalition is grateful for the bipartisan vote in support of the legislation and the Senators' hard work to craft legislation that will improve the patent system for all the nation's innovators. It is very encouraging to have the committee's overwhelming support for the legislation as it moves to the Senate floor. We recognize Senators will continue to fine-tune the language of the bill and we look forward to working actively with them to address outstanding issues.

The members of our Coalition will be working with other inventors and innovators in the coming weeks to communicate with all Senators as well as members of the House about the importance of this legislation for jobs, promoting innovation, and solidifying our global competitiveness.''

CROSS-SECTOR MANUFACTURERS & INNOVATORS IN SUPPORT OF S. 23

3M, Air Liquide, Air Products, BP, Bridgestone American Holdings, Inc., Cargill, Caterpillar, Coalition for Patent and Trademark Information Dissemination, Coalition for 21st Century Patent Reform, Cummins.

The Dow Chemical Company, DuPont, Eastman Chemical Company, ExxonMobil, General Electric, General Mills, Henkel Corporation, Honeywell, Intellectual Property Owners Association.

Illinois Tool Works, Kodak, Milliken and Company, Monsanto, Northrop Grumman, PepsiCo, Inc., Proctor & Gamble, United Technologies, USG Corporation, Weyerhaeuser.

AMENDMENT NO. 114

Mr. LEAHY. Mr. President, as part of the housekeeping measures we have, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 114.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the bill)

On page 1, strike line 5, and insert the following: '''America Invents Act'''.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Utah on the Senate floor, a man who has worked for years on this issue and has made every effort to keep it bipartisan.

I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished chairman of the Judiciary Committee. He has been one of the leaders the whole time I have been on that committee with regard to intellectual property issues. It has always been a pleasure to work with him and his staff. They are good people.

This is a particularly important bill. It is only the first step, once we bring it up and hopefully pass it, and then the House will bring up their bill. There are likely to be differences between the two, and we will have to get together in conference to resolve those differences. So those who might have some angst about this particular bill, give it time. We will be working diligently—the distinguished Senator from Vermont, myself, and others, including, of course, our ranking member, Senator GRASSLEY—we will be working diligently to try and resolve these

problems and hopefully we will end up with a bill that everybody in this country should recognize as what needs to be done to keep us at the forefront of all technological innovation in this world.

I rise today to express my support for the pending patent reform legislation before us. As many know, several of my colleagues and I have been working together on this bill for several Congresses. I especially wish to recognize the ongoing efforts of our Judiciary Committee chairman, PAT LEAHY. Over the years he and I have worked tirelessly to bring about long overdue reform to our Nation's patent system. I also wish to recognize the efforts of the Judiciary Committee ranking member, CHUCK GRASSLEY, as well as many of my Senate colleagues who have been instrumental in forging the compromise before us today which, in my opinion, is the first step in trying to arrive at a final consensus bill.

Similarly, no enumeration would be complete without recognizing the considerable work that has been done by our colleagues over in the House of Representatives. House Judiciary Committee chairman LAMAR SMITH has been a leader on patent reform legislation for many years. His vision, his expertise, and his leadership are highly respected and appreciated by me, by my colleagues as well, and by many throughout the patent community.

I also wish to specifically acknowledge the invaluable contributions of Representatives JOHN CONYERS, HOWARD BERMAN, BOB GOODLATTE, HOWARD COBLE, DARRELL ISSA, and ZOE LOFGREN. They have all been very effective people with regard to these very important issues. They have been stalwarts in underscoring the vital need to reform our patent system. I look forward to seeing the results of their process and working with them to complete this important task.

Most of us are very familiar with the history of patent legislation, but it bears repeating that we have not had meaningful reform to our patent system in well over a half century—not any meaningful reform whatsoever, even though many things have changed during these intervening years—courts have instituted welcome changes to our patent system, a lot of technology has changed, and a lot of innovation has occurred.

I am not going to spend my time today on a history lesson. Instead, I urge everyone to consider not the past, but to look forward to the future, and that future begins with examining our present. The Nation's current economic situation requires that we take advantage of our ingenuity that has made America the economic envy of the world.

If enacted, the American Invents Act would move the United States to a first-inventor-to-file system, which will create a system that is more transparent, objective, and predictable for the patentee. In addition, transitioning to a first-to-inventor-to-file system will facilitate harmonization with other patent offices across the world and contribute to ongoing work-sharing processes.

The bill will also establish another means to administratively challenge the validity of a patent at the U.S. Patent and Trademark Office, USPTO—creating a cost-effective alternative to formal litigation, which will further enhance our patent system.

Patent owners will be able to improve the quality of their patents through a new supplemental examination process. The bill further prevents patents from being issued on claims for tax strategies and provides fee-setting authority for the USPTO Director to ensure the Office is properly funded.

This bipartisan bill also contains provisions on venue to curb forum shopping; changes to the best mode disclosure requirement; increased incentives for government laboratories to commercialize inventions; restrictions on false marking claims, and removes restrictions on the residency of Federal Circuit judges.

For me, it is pretty simple. Patent reform is more than words on paper. It is about jobs and the positive impact they have on our economy. Chairman LEAHY understands this connection and has wisely named the bill the America Invents Act of 2011.

While we debate this important legislation, it is crucial that we keep the creation of jobs and economic prosperity at the forefront of our thoughts. After all, patents encourage technological advancement by providing incentives to invent, to invest in, and to disclose new technology. Now more than ever we must ensure efficiency and increased quality in the issuance of patents. This, in turn, will create an environment that fosters entrepreneurship and the creation of new jobs, thereby contributing to growth within all sectors of our economy.

If we think about it, one single deployed patent has a ripple effect that works like this: A properly examined patent, promptly issued by the USPTO, creates jobs—jobs that are dedicated to developing and producing new products and services. Unfortunately, the current USPTO backlog now exceeds 700,000 applicants. The sheer volume of the patent applications not only reflects the vibrant, innovative spirit that has made America a worldwide innovative leader in science, education, and technology, but the patent backlog also represents dynamic economic growth waiting to be unleashed. We cannot afford to go down this path any longer. We need to take advantage of this opportunity to expand our economy.

During consideration of the America Invents Act, I encourage my colleagues to be mindful that legislation is rarely without its imperfections, and we have a tremendous chance to take much needed action. To those who believe otherwise, rest assured my intent is to do no harm. But I want the legislative process to move forward. It is long overdue.

I urge my colleagues to participate in the debate and vote on the amendments they think will strengthen the bill. There are some proposals that I believe merit serious consideration by all of us. At the end of the day, the passage of this bill will update our patent system, help strengthen our economy, and provide a springboard for further improvements to our intellectual property laws.

I have every confidence that we can come together and act in a bipartisan manner. The stakes are simply too high for us not to seize this moment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to speak on S. 23. We probably have a lot of amendments, but right now we are talking about the bill. The America Invents Act is what it is called. I should express my gratitude to those others who have helped so much on this and, quite frankly, more involved on this bill than I have been, including Chairman LEAHY, Senator HATCH, Senator SESSIONS, and Senator KYL.

This is a bipartisan bill. Over the past 5 years or so, the Senate Judiciary Committee has been considering comprehensive patent reform. Chairman LEAHY has engaged Senators on both sides of the aisle as well as a wide range of groups on the outside. His efforts have been pivotal in bringing together diverse views and crafting a reasonable compromise bill. In fact, the bill is supported by a large number of industries and other stakeholders from the U.S. patent community.

I commend the leadership of Chairman LEAHY as well as the leadership of Senator HATCH for getting us to where we are at this point. Intellectual property rights are extremely important to our Nation's economy. An effective and efficient patent system will help promote innovation and technological advancement in America and make life better for us all. An effective and efficient patent system also will help provide stimulus for businesses and obviously generate many new jobs. Everyone agrees we need a well-functioning patent and trademark office within our government so that it can complete its work in a timely manner.

We should find ways to help the Patent and Trademark Office speed up the patent application process and eliminate the current backlog it is experiencing. We should reduce costs and decrease abusive litigation and improve certainty in the patent process and strengthen patent quality. The America Invents Act will help do all of these things.

The bipartisan bill before us will update and upgrade the U.S. patent system. It will enhance transparency and patent quality, and it will ensure that the Patent and Trademark Office has

the tools and funding it needs to cut its backlog and process patent applications more quickly.

The improvements to the patent system contained in our bill will help spur economic prosperity and job creation. I am pleased to support it.

Specifically, the bill would improve patent quality by establishing the opportunity for third parties to submit prior art and other information related to a pending application for consideration by a patent examiner. By allowing prior art to be submitted earlier in the process and explained to the office, patent examiners will be able to issue higher quality patents.

The bill would create a ''first window'' post-grant opposition proceeding open for 9 months after the grant of a patent. This would allow the Patent and Trademark Office to weed out patents that should not have been issued in the first place.

This new post-grant review process—which was recommended in a 2004 report issued by the National Academy of Sciences—would enable early challenges to patents, but also protect the rights of inventors and patent owners against endless litigation. The reason we want to ensure that the Patent and Trademark Office issues high quality patents is to incentivize investment in truly innovative technological advances and provide more certainty for investors in these inventions.

In addition, the bill would improve the current inter partes administrative process for challenging the validity of a patent. It would establish an adversarial inter partes review, with a higher threshold for initiating a proceeding and procedural safeguards to prevent a challenger from using the process to harass patent owners. It also would include a strengthened estoppel standard to prevent petitioners from raising in a subsequent challenge the same patent issues that were raised or reasonably could have been raised in a prior challenge. The bill would significantly reduce the ability to use post-grant procedures for abusive serial challenges to patents. These new procedures would also provide faster, less costly alternatives to civil litigation to challenge patents.

The bill would institute a gatekeeping role for the court to assess the legal basis for damages and jury instructions. This would provide more certainty in damages calculation and promote uniformity and fairness. The bill also would transition the United States to a first-inventor to file system, simplifying the application process and coordinating it with our trading partners. This change will reduce costs and help improve the competitiveness of American inventors abroad.

Further, the bill would provide fee setting authority for the Patent Trademark Office Director to ensure that the Patent and Trademark Office is properly funded and can reduce its current backlog of patent applications.

The bill also would mandate a reduction of fees by 50 percent for small entities and 75 percent for micro-entities.

I want to particularly thank Chairman LEAHY for working with me and Senator BAUCUS on a provision that would curtail patents on tax strategies. These patents encumber the ability of taxpayers and their advisers to use the tax law freely, interfering with the voluntary tax compliance system. Tax strategy patents undermine the fairness of the Federal tax system by removing from the public domain ways to satisfy a taxpayer's legal obligations. If firms or individuals hold patents for these strategies, some taxpayers could face fees simply for complying with the Tax Code. Moreover, tax patents provide windfalls to lawyers and patent holders by granting them exclusive rights to use tax loopholes, which could provide some businesses with an unfair advantage in our competitive market system.

Our provision would ensure that all taxpayers will have equal access to strategies to comply with the Tax Code.

This provision was carefully drafted with the help of the Patent and Trademark Office not to cover software preparation and other software, tools or systems used to prepare tax or information returns or manage a taxpayer's finances.

In conclusion, the America Invents Act will protect inventors' rights and encourage innovation and investment in our economy. The bill will improve transparency and third party participation in the patent application review process. This, in turn, will strengthen patent quality and result in more fairness for both patent holders and patent challengers. The bill will institute beneficial changes to the patent process to curb litigation abuses and improve certainty for investors and innovators. It will help companies do business more efficiently on an international basis.

The bill also will enhance operations of the Patent and Trademark Office with administrative reforms and will give the office fee setting authority to reduce backlogs and better manage its business.

I am pleased to support this hard fought bipartisan legislation, and I urge my colleagues to support it as well.

I yield the floor.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Iowa. As I noted before he got on the floor, he has been extremely important in working on this issue.

Mr. President, just so I can have a moment to speak with the Senator from Louisiana, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 112

Mr. VITTER. Mr. President, pursuant to a conversation with the distinguished committee chairman, I ask unanimous consent to temporarily set aside the pending amendment to call up the Toomey-Vitter amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. TOOMEY, proposes an amendment numbered 112.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached)

At the appropriate place, insert the following:

SEC. _____. FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Full Faith and Credit Act''.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

Mr. VITTER. Mr. President, this Toomey-Vitter amendment is the Full Faith and Credit Act—the concept that has been discussed for several weeks prior to this week. It is very timely, as we are all rightly focused on the spending and debt issue with the Thursday deadline coming up.

No one that I know of wants the government to be shut down in any way, shape, or form. No one that I know of wants any massive, significant disruption. But lots of people that I know of, including many in Louisiana, want us to change business as usual in Washington, starting with spending and debt. This full faith and credit amendment is an important step in that regard. Because of the time limitations in front of us before we move to other pending business at 4:30, I have agreed to come back at a later time to fully lay out this Toomey-Vitter amendment, as well as a second-degree Vitter amendment that I will advance with regard to Social Security.

It is very important to discuss this spending, to put it on the floor and start this debate with vigor about spending and debt, changing the fiscal policy of this country so that we can get on a more sustainable path. There is only one thing certain about this debate; that is, if we don't change the fiscal path we are on, it will lead to an economic disaster.

I urge us to debate these important proposals immediately, well before the Thursday deadline, and come to a strong, positive resolution. I will be back on the floor soon with Senator TOOMEY to fully explain this amendment, as well as the Vitter second-degree amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have a unanimous consent agreement at 4:30 p.m. to go to two judicial nominations.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF AMY TOTENBERG TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

NOMINATION OF STEVE C. JONES TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read 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.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate, equally and divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. There is both good news and bad news represented by today's debate. The good news is that we begin another week by considering two of President Obama's judicial nominations. With judicial vacancies remaining over 100, nearly half of them judicial emergencies, the Senate's action today on 2 outstanding nominees to fill judicial emergency vacancies in Georgia is much needed.

The bad news is that we did not consider these nominations earlier, and that we are not considering any of the other 8 judicial nominees awaiting final Senate consideration and confirmation. Two of those nominees, Sue Myerscough and James Shadid, were each nominated to fill emergency vacancies on the Central District of Illinois. Their confirmations would help relieve the chief judge of that district, who is the only active judge in the entire district. Chief Judge McCuskey wrote to Senator DURBIN in November urging the Senate to take action to fill those vacancies, but we did not. Despite the desperate need in that district, neither of these nominations received final Senate votes when they were reported unanimously by the Judiciary Committee last year. Both have now been reported unanimously again, and we should not further delay taking care of this overburdened court and the hard-working Americans who depend on it.

I do thank, in particular, the majority leader for scheduling this time, and also thank the Republican leader for his cooperation. I also commend our ranking Republican on the Judiciary Committee. Senator GRASSLEY has worked with me on each of the judicial nominations that President Obama renominated this January.

All 13 of the judicial nominations that were unanimously reported last year have now been unanimously reported, again, this year. To date, five of those nominations have been confirmed and with the confirmation of Amy Totenberg and Steve Jones, we will have reconsidered and confirmed 7 of those 13 unanimously reported judicial nominees.

The Judiciary Committee has also now considered the renomination of Susan Carney of Connecticut to the Second Circuit and Michael Simon to be a district court judge in Oregon. More than half of the Republicans on the Judiciary Committee voted in favor of those nominations. They should be debated and confirmed without delay, as well.

Working with Senator GRASSLEY, I also expect to be able to move forward with Judiciary Committee consideration of the renominations of two district court nominees, Edward Chen of California and Jack McConnell of Rhode Island, in the next few weeks. The renomination of Goodwin Liu of California to the Ninth Circuit will be reexamined at a Judiciary Committee hearing this week, at the request of our Republican members, and then reconsidered by the committee, as well.

We will be holding our third confirmation hearing of the year this week. It will include Professor Liu and four other judicial nominees from Tennessee, Florida, and New Jersey. At the earlier two hearings we considered eight additional judicial nominees who now await committee approval and Senate consideration. We are holding hearings every 2 weeks and hope finally to begin to bend the curve and start to lower judicial vacancies across the country.

I also commend the Senator from Iowa for his statement on February 14 during which he urged the Senate to turn the page and not revisit the recriminations from administrations past. I agree.

The nominees we consider today are both from Georgia. They were both reported unanimously by the Judiciary Committee this year. Actually, they were also reported unanimously by the Judiciary Committee last year. They were among the 19 judicial nominees who were ready to be confirmed by the Senate last year but were not. When there was objection to proceeding last year, the vacancies persisted, the President had to renominate them and the Judiciary Committee had to reconsider their nominations. I expect the Senate will confirm them both tonight. I hope we do so unanimously. Both have the support of their home State Senators. Senators ISAKSON and Senator CHAMBLISS worked with me and with President Obama in connection with these nominations.

While I am encouraged that the Senate is proceeding today, I am disappointed that we did not consider these nominees and other nominees from California, North Carolina, and the District of Columbia before the Presidents Day recess. We used to be able to clear the calendar of nominations before a recess. All six of these judicial nominees were approved unanimously by every Republican and every Democrat on the Judiciary Committee weeks before the recess. When they are considered, I fully expect they will be confirmed unanimously by the Senate. With persistently high judicial vacancies around the country, the Senate should be considering judicial nominations without unnecessary delays. Litigants all over the country are having a hard time getting their cases heard in court because of the high number of vacancies. There are nominees pending on the calendar with unanimous support by both Republicans and Democrats on the Senate Judiciary Committee. We ought to at least vote on these nominations to fill the vacancies.

In fact, when these 2 nominations are confirmed, there will still be nearly 100 Federal judicial vacancies around the country. That is too many and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer, and many others, including the President of the United States, have spoken out and urged the Senate to act.

Nearly one out of every eight Federal judgeships is vacant. That puts at serious risk the ability of Americans all over the country to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges who remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion. These delays affect everyone; whether you are a plaintiff, a prosecutor, or a defendant.

Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of

President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent.

In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with both Democratic and Republican home State Senators to identify superbly qualified consensus nominations.

None of the nominations on the Executive Calendar are controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law. All have demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. This was after 60 of President Clinton's nominations had been pocket-filibustered by those on the other side of the aisle. I decided not to continue that trend and we showed good faith in moving 100 of President Bush's nominees in the 17 months that I was chairman. During the remaining 31 months under Republican control, the Senate confirmed another 105 judicial nominations. So far in President Obama's third year in office, the Senate has only been allowed to consider 67 of his Federal circuit and district court nominees.

We remain well short of the benchmark we set during the Bush administration. When we approach it, we can reduce vacancies from the historically high levels at which they have remained throughout the first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have often said that the 100 of us in the Senate stand in the shoes of over 300 million Americans. We owe it to them to do our constitutional duty of voting on the President's nominations to be Federal judges. We owe it to them to make sure that hard-working Americans are able to have their cases heard in our Federal courts.

I know the distinguished Senator from Iowa is going to want to speak and time has been reserved for him. I first yield to the Senator from Pennsylvania on my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. CASEY are printed in today's RECORD under ''Morning Business.'')

Mr. CASEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHAMBLISS. Mr. President, I rise today, along with my colleague from Georgia, Senator ISAKSON, to commend to this body the confirmation of two judges who have been nominated by President Obama for the Northern District of Georgia.

First of all, Amy Totenberg is an Atlanta lawyer who certainly has the academic credentials that have prepared her well—a graduate of both Radcliffe College and Harvard and also Harvard Law School. She began law practice in Atlanta in 1977 with the Law Project and then went out on her own for 20 years. During her time as a solo practitioner, she specialized in constitutional rights litigation and also became a well-known arbitrator and mediator, particularly in employment and civil rights cases. She served as a court-appointed monitor and mediator for the U.S. District Court for the District of Columbia and has served as a special master for the U.S. District Court in Maryland on an institutional education reform case. Ms. Totenberg has a wealth of experience on that issue, having served as general counsel to the city of Atlanta's Board of Education from 1994 to 1998 and also having served as a part-time municipal court judge in Atlanta for several years. She also has been an adjunct professor at Emory University Law School.

She has been deeply involved in her community. In addition to her legal activities, Ms. Totenberg has been a member of the State Personnel Boards, served as a member of the Governor's Education Reform Commission, and given her time to Hands On Atlanta, the city's largest volunteer service program.

I commend Ms. Totenberg for confirmation today as her name comes before this body.

Steve Jones has been a friend for a long time. He is a guy who, if you had to pick a jurist, you would want to go before whether you are a lawyer, a defendant, or a plaintiff in a civil lawsuit.

Steve Jones is a native of Athens, GA, and attended the University of Georgia both as an undergraduate and as a graduate of the law school. He began his legal career as assistant district attorney before becoming a municipal court judge. In 1995, he was appointed to the superior court bench for the Western Judicial Circuit, which covers both Clarke and Oconee Counties, two of the fastest growing counties in our State. In his capacity as a superior court judge, Steve presided over both criminal and civil cases. He has also supervised the circuit's felony drug court for 6 years.

His list of honors and awards is truly too numerous to mention here for this body, but he has been awarded the State Bar of Georgia's Distinguished Judicial Service Award, Georgia Legal Services Program's Georgia Justice Builder Award, the University of Georgia President's Fulfilling the Dream Award, the Boy Scouts of America Distinguished Citizen Award, the Chief Justice Robert Benham Award for community service beyond official work, and the Julian Bond Humanitarian Award.

He has been very active in the Athens and Clark County communities. Steve is a wonderful person, a great family man, a great community citizen, and an outstanding jurist. He is going to make a truly outstanding district court judge on the northern district court in Atlanta.

I yield to my colleague, Senator ISAKSON.

Mr. ISAKSON. Mr. President, I rise to second the statements made by Senator CHAMBLISS on these two nominees to the northern district of Georgia court, Amy Totenberg and Steve Jones. Amy Totenberg is an attorney, in practice for many years, a judge, an arbitrator, a mediator, and an educator. She brings a wealth of experience to the bench in many areas, not the least of which is personnel law. In fact, during her term of service to the Atlanta Board of Education in the mid-1990s, I was chairman of the State Board of Education and dealt with the major litigation pieces that went through the system of education in Georgia. I know of her competence, her ability, and the trust her colleagues have in her, and I think she will be an excellent appointee to the northern district of Georgia bench.

Steve Jones is the real deal. He is a terrific individual, one of those people who is so active in trying to make the community better. One example is Clark County in Athens where Steve has been a superior court judge for many years, which is one of the leading and founding drug courts in America, an intervention court that intervenes in those first drug cases when young people are caught for the first time, works with them as an advocate and as a mentor to see to it they never return to drugs and therefore never return to crime. That is just one example of his intensity in trying to make his community better.

He is respected by lawyers throughout the circuit, he is respected by his fellow judges, and he is deeply respected by me as an individual who brings great credit to the State and great credit to the bench.

I urge all our colleagues tonight on the vote for Steve Jones and Amy Totenberg to unanimously support both of those nominees to the northern district of Georgia bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are continuing in our cooperative effort to fill vacancies in the Federal judiciary that have been designated as judicial emergencies. Today, the Senate will confirm two more of President Obama's judicial nominees. I am pleased we are moving forward on consensus nominees who will lessen the burden on our overworked courts.

My Republican colleagues and I continue to demonstrate our ability and desire to work with the President and the Democratic majority. We will have confirmed 7 judicial nominees in just 17 short days the Senate has been in session this Congress. We have reported out of committee a total of 15 judicial nominees, or 29 percent of the total nominees submitted. We have already held two hearings in committee on eight judicial nominees, with additional nominees scheduled for a hearing later this week. With this quick and productive pace, we have taken positive action on 55 percent of the judicial nominations sent to the committee this year.

I continue to work with the chairman to ensure all nominees are afforded a fair but thorough process, in a timely manner. I have appreciated the chairman's courtesy as we work together to set schedules and agendas. It is imperative that the administration work with us, as well, to fill vacancies. I am particularly concerned about those seats designated as judicial emergencies.

We continue to hear about the high judicial vacancy rate. I think the record is clear that the Senate is addressing that issue in vigorous manner. However, I continue to note that the President has failed to submit a nomination for over half of the vacancies. For judicial emergencies, over 57 percent of those seats have no nominee.

The two vacancies we are filling today took some time for a nomination to be sent to the Senate. Both seats became vacant in December 2008, at the end of the Bush administration. It took President Obama over a year to name a nominee for one seat, and nearly a year and a half to nominate for the other seat. So those who are concerned about a high vacancy rate in the Federal judiciary should pay attention to the nomination process, not just Senate confirmations.

I will say a few words about the nominees who are scheduled to have votes today. I thank our leadership for the reasonable arrangement that was reached to consider these nominations.

First, Amy Totenberg is nominated to be a U.S. district court judge for the Northern District of Georgia. She received her A.B., magna cum laude, and her J.D. from Harvard University. Upon graduation, she joined the Law Project as a partner, where she focused on Federal constitutional and employment law. She left the Law Project to become a solo practitioner where she maintained a general civil practice. Ms. Totenberg also served as municipal court judge for Atlanta, and was appointed by the Atlanta Board of Education as the first in-house general counsel for the Atlanta Public School District.

Over the past decade, while maintaining a solo practice, Ms. Totenberg has spent the majority of her time as a special master, monitor, and arbitrator/monitor for the U.S. district courts in Maryland and Washington, DC. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated her ''Well-Qualified.''

Our second nominee, Steve C. Jones, is also nominated to be a U.S. district judge for the Northern District of Georgia. Judge Jones received his B.B.A. and his J.D. from the University of Georgia.

An experienced jurist, he began his legal career as an assistant district attorney for the Western judicial District of Georgia. In 1993, Judge Jones began service as a municipal court judge for Athens-Clarke County, GA. He was appointed by Governor Zell Miller, in 1995, to serve as a superior court judge for the Western Judicial Circuit. He was subsequently re-elected four times and is the presiding judge for the Felony Drug Court. Aside from his daily duties to the bench, Judge Jones was appointed by the Georgia Supreme Court to serve on the Judicial Qualifications Commission. He also functioned as its chairman from 2002 to 2006. On and off the bench, Judge Jones has contributed to his community. He has invested time to help Georgia Legal Services, as well as a local antipoverty initiative, Partners for a Prosperous Athens/OneAthens. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated him ''Well-Qualified.''

I support these two nominees, and congratulate them for their achievement and public service. I will continue to work with the chairman to move forward on consensus nominees, as we have done with these two nominations.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia is confirmed.

The question is, Will the Senate advise and consent to the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia?

Mr. LEAHY. Mr. President, I understand there has been a request for a rollcall vote on Judge Jones, although I would recommend if we have such it be unanimous. I see the distinguished Senator from Georgia, Mr. ISAKSON, on the floor. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 26 Ex.]

YEAS—90

Alexander	Feinstein	Mikulski
Barrasso	Franken	Moran
Baucus	Graham	Murkowski
Begich	Grassley	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boxer	Hutchison	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Isakson	Risch
Burr	Johanns	Roberts
Cantwell	Johnson (SD)	Rubio
Cardin	Johnson (WI)	Sanders
Carper	Kerry	Schumer
Casey	Kirk	Sessions
Chambliss	Klobuchar	Shaheen
Coats	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Coons	Lee	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Ensign	Menendez	Wicker
Enzi	Merkley	Wyden

NOT VOTING—10

Akaka	Inhofe	Rockefeller
Ayotte	Lieberman	Toomey
Boozman	McCain	
Gillibrand	Paul	

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

PATENT REFORM ACT OF 2011—Resumed

Mr. LEAHY. Mr. President, I understand that the Senator from Colorado has an amendment that could be disposed of quickly and which is agreeable to both sides.

I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 116

Mr. BENNET. Mr. President, I thank Chairman LEAHY, Senator GRASSLEY, Senator HATCH, and all of the members of the Judiciary Committee for their hard work on patent reform. Moving this bill forward has been a difficult task. I look forward to supporting the bill as we are in the process of amending it and improving it.

This legislation is critical for our economic growth if we are going to rebuild our economy and win the future. We need to make sure our patent system promotes research and development, investment, job creation, and global competitiveness.

This evening, I want to call up two amendments to this legislation that I believe address the need for efficiency and quality at the U.S. Patent and Trademark Office.

Mr. President, I call up amendment No. 116, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 116.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination)

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike ''(i)'' and insert ''(j)''.

Mr. BENNET. My first amendment, cosponsored by Senator AYOTTE, can help small businesses utilize the Patent Office's Track I program by reducing their fees for participating. Track I allows applicants to get their patent processed more quickly, but the cost can be burdensome for small entities. This amendment would reduce small business costs by 50 percent.

This Track I program will give applicants the opportunity for prioritized examination of a patent within 12 months of its filing date. On average, the pendency period for first action was 25.7 months in 2010 and 35.3 months for final disposition. By moving this process along for small businesses, we will stimulate business activity and create jobs.

The 50-percent discount is in line with other small entity filing fee discounts offered by the Patent and Trademark Office and will ensure startups and smaller inventors will be at a more level playing field in order to take advantage of Track I.

I encourage my colleagues to support my small business amendment at the appropriate time.

Mr. President, I yield to the chairman.

Mr. LEAHY. Mr. President, I appreciate the amendment of the Senator from Colorado. When it comes to a vote, I think it will probably be unanimous. I suspect there will not even be a requirement for a rollcall vote. It does have this mandatory reduction in fees for small businesses at the Patent Office. I know the Senator is a strong advocate for small business in Colorado. The Patent Office has a backlog of more than 700,000 applications that haven't yet had a first response. This hits small businesses and independent ventures particularly hard because they can least afford a delay in receiving their rights. They have done a lot to reduce that backlog, but they need this legislation to finish it. They have the fast track process, where applicants pay additional fees to cover the costs and the examiners work overtime. Not all small businesses can afford the fast track application fee, and the Senator from Colorado, Mr. BENNET, wisely recognized that not all can afford that.

His amendment will ensure that small businesses and independent vendors will receive a 50-percent reduction in the fee. When the time comes for a vote, I will strongly support the amendment. I suspect both sides will strongly support it. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. I thank the Senator from Vermont for his leadership and for his kind words about the amendment.

AMENDMENT NO. 117

At this time, I ask unanimous consent to set aside the pending amendment and call up my second amendment, which is currently at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 117.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish additional USPTO satellite offices)

On page 104, between lines 22 and 23, insert the following:

SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term ''Patent and Trademark Office'' means the United States Patent and Trademark Office.

On page 104, line 23, strike ''SEC. 18.'' and insert ''SEC. 19.''.

Mr. BENNET. Mr. President, my amendment provides for the establishment of three regional satellite PTO

offices in the next 3 years. The Patent and Trademark Office has struggled to hire and retain over 6,000 examiners at a single location in Alexandria, VA. This has resulted in one-third of patent examiners having been with the U.S. Patent and Trademark Office for less than 3 years. Ideally, the Patent and Trademark Office would recruit examiners from all across the country, leveraging regional expertise.

The PTO recently recognized this weakness in our patent infrastructure by announcing an initial satellite pilot in Detroit, MI. My amendment seeks to support this effort and further connect innovators to the U.S. Patent and Trademark Office.

The establishment of satellite offices will help the USPTO to recruit and retain workers from across the country. Regional offices will draw local scientists, engineers, and patent attorneys into the USPTO, which add real-world expertise to the patent review process.

Regional satellite offices will also increase outreach activities and connection to patent filers, enhance the ability of the USPTO to recruit and retain patent examiners, and improve the quality and pendency for patent applications.

Europe currently uses four patent offices as a recruitment tool and is known for the ability to attract and retain highly qualified examiners. In short, the limitations of our lone patent office are placing our economy at a competitive disadvantage. It is essential, therefore, that we establish satellite offices in locations that will connect innovators and businesses across the country.

I ask Senators to support my amendment at the appropriate time.

Again, I thank the chairman for his leadership, and I look forward to working with him and the rest of this body to craft a good piece of legislation that helps America take the lead in the world's increasingly competitive innovation economy.

Mr. LEAHY. Mr. President, I know the Senator has advocated for satellite offices. His amendment speaks for geographic diversity. Otherwise, every one of us would be asking for one in our State. Vermont, which receives more patents per capita than any other State in the Union, would be asking for one, and so forth. He does not try to tilt the balance in favor of a particular State but he calls for geographic diversity. That is very wise. When the amendment comes to a vote, I will be there to support it.

Mr. President, parliamentary inquiry: What is pending?

The PRESIDING OFFICER. Amendment No. 117.

Mr. LEAHY. Was that set aside so he could introduce his second amendment?

The PRESIDING OFFICER. That is his second amendment.

Mr. LEAHY. That is what is pending now?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 115

Mr. LEE. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 115 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, once the Senator has introduced his amendment and has spoken, will he be willing to set that aside so that other amendments on the patent bill can come up?

Mr. LEE. Yes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 115.

(Purpose: To express the sense of the Senate in support of a balanced budget amendment to the Constitution)

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should pass and the States should agree to an amendment to the Constitution requiring a Federal balanced budget.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. This is a self-explanatory amendment. I am a supporter of this legislation, the patent reform bill. I also point out that this amendment does not bring about any substantive change to that legislation, nor does it lock anyone into a particular variation of a balanced budget amendment proposal.

I am happy to work out an agreement as to the timing for a possible vote, and I hope we can get to that sometime soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes, with the time to be shared between myself and Senator RISCH.

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

RELATIVE TO THE DEATH OF FORMER SENATOR JAMES A. MCCLURE

Mr. CRAPO. Mr. President, Senator RISCH and I are here today—in fact, I note we are joined on the floor by our former colleague Senator Larry Craig—to honor one of Idaho's greatest statesmen who passed away on Saturday. We rise to honor the distinguished life of Senator James A. McClure, a mentor and a dear friend of mine. As I indicated, Senator Craig is here. Senator Craig is the one who followed Senator McClure into the seat in the Senate. We appreciate him making the effort to get here to also share his concerns and condolences, and frankly, to help honor Senator McClure.

I join Senator McClure's wife Louise and their family and friends and all of Idaho in mourning the passing of Senator McClure and honoring his great legacy. His sound guidance, strong advocacy for Idaho, and his personal encouragement will be missed by all of us, but definitely not forgotten.

Throughout his decades of public service, Jim McClure set a standard for public servants that will endure for generations. Senator McClure dedicated much of his life to honorable service to our Nation. At the age of 18, he joined the U.S. Navy and served honorably in World War II. He then returned to Idaho and attended law school at the University of Idaho, worked as a prosecuting attorney for Payette County, and served in the Idaho State Senate. With 6 years in the U.S. House of Representatives, and 18 years in the U.S. Senate, his exemplary service in the Congress spanned 24 years.

His unfailing good will, respect for others, and his essential Western conservatism helped him to maintain throughout his life the kind of service that is still the best model for how to engage in today's public policy debates. He was recognized by all as a gentleman but a powerful advocate.

Senator McClure's legacy as a Congressman and a Senator is broad, and on many issues, such as energy and natural resource management, his service to Idaho is historic. Jim utilized his service as chairman of the Senate Committee on Energy and Natural Resources to advocate for Idaho issues and their ideals. He also helped to guide the Senate through his chairmanship of the Senate Republican Conference from 1981 to 1985. Jim worked diligently to achieve solutions to Idaho and national challenges. He also had a forward-thinking focus on fiscal discipline—one that we could well use in the Senate today—and on energy independence, another critical issue which we continue to battle for today. These are critical issues he helped set the foundation for and, frankly, which his wisdom would have helped to solve.

Jim was a friend and a role model for me and I am sure for many others in Idaho and throughout the Nation. His dedication, kind treatment of others, and skillful proactive and principled approach are long going to endure. He will be sorely missed, but his lifetime of accomplishments will be with the people of Idaho forever.

I offer my sympathy and my love to Louise and to the entire McClure family and to Jim's many friends and associates.

Mr. President, I yield the time to Senator RISCH.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, we have come to the floor to mourn the loss of a great statesman in Idaho. Jim McClure was loved uniformly across

the State of Idaho and had dedicated his entire life to public service, first as a prosecuting attorney in Payette County, ID, and then, of course, the State senate and Congress—the House of Representatives and then the Senate of the United States.

From a little historical background, Jim McClure, when he was elected to this body, was elected to the Shoup seat. The Shoup seat was first held by Senator Shoup, who was the last territorial Governor of Idaho, the first State Governor of Idaho, and the first Senator to hold that seat. Jim McClure was the ninth person to hold that seat. In the interim, it was held by Borah. Both Shoup and Borah have statues in Statuary Hall.

Prior to my election as the 11th person to hold this seat, the seat was held by our distinguished colleague, Senator Craig, who has joined Senator CRAPO and I on the floor and I am sure joins us in our remarks and condolences to the McClure family.

Jim McClure was a family man. He was truly dedicated to his wife Louise and his children. Back when Jim served here, many of the Members actually moved here as opposed to going home on the weekends, as most of us do today. The McClure family spent a lot of time here. But they did spend their summers—that is when the Senate was out most of the summer—they did spend their summers in Idaho and other times in Idaho.

Jim McClure was very dedicated to a couple important issues, the first one being fiscal. Jim McClure would come back to Idaho and warn about the spending habits this Congress had. In fact, I knew Jim McClure since I was a young prosecutor in the 1960s. I think Jim McClure was the first one I ever heard speak directly about the danger this Congress was leading this country into with its spending habits. Had his advice been followed back then, we would not be, as a country, in the difficulties we are today.

Secondly, Jim's issue was energy. Jim spent time as chairman of the Senate Committee on Energy and Natural Resources. Indeed, I sit on that committee today. Senator Craig sat on it before me, Senator McClure before him, and Senator Jordan before Jim McClure. Indeed, we cannot recall when we did not have anyone from Idaho serving on that committee. Indeed, it was the Shoup seat that has sat on that committee for as long as any of us can remember.

As a testament to the larger-than-life persona that Jim McClure had, the following are named after Jim McClure in Idaho. In 1995, the College of Mines and Earth Resources at the University of Idaho was dedicated as the James A. McClure Hall. In December of 2001, the Federal building and U.S. courthouse in Boise, ID, was renamed for Jim McClure. In 2007, in Moscow, ID, the University of Idaho named their bureau of public affairs research the James A. and Louise McClure Center for Public Policy Research.

All of this recaps in certainly an inadequate way the many things Jim McClure did for the people of Idaho, indeed for the people of America and the people of the world, as he led in the Senate.

I wish to close, briefly, with what I knew about Jim McClure and I think what those of us here knew about Jim McClure and what he is remembered for in the Senate.

In the media today, we see a lot of rancor and we see a lot of arguing and a lot of hostility involved in the political process. If I can say one thing about Jim McClure, it is that what he brought to the entire process was civility. No matter how tough sledding got, no matter how disagreements escalated, Jim McClure always kept it level. He always kept it at a very civil tone, and Jim McClure approached everything with a gentle sense of humor, which many times diffused things that could have gotten out of hand.

To his family, again, we express our deep condolences, and the people of the State of Idaho mourn today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, Senator RISCH's comments prompted me to think of a time when I was first elected to the House of Representatives. Senator McClure had long been counseling and working with me and helping me to see the kind of civility about which Senator RISCH talked and also that strong, powerful leadership he brought to issues.

When I was first elected to the House of Representatives—I began thinking as Senator RISCH was talking—Jim McClure and Louise invited me to go to dinner. Jim and Louise sat with me for an evening right here in Washington, DC, at a local restaurant. We just talked about politics, about Idaho, about America, about the world, and about how one should lead on issues as they dealt with them in Congress.

I have to tell you, it would take too long to repeat all the lessons I learned that night that were taught to me by Senator McClure as he made that extra step to reach out. I said in my initial remarks he was a mentor and a role model for me. I truly mean that.

I had to add those comments as I thought about that while Senator RISCH was talking.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 78, relative to the death of Senator James A. McClure.

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

The legislative clerk read as follows:

A resolution (S. Res. 78) relative to the death of James Albertus McClure, former United States Senator for the State of Idaho.

Mr. CRAPO. Mr. President, I note this resolution was submitted earlier today by Senator RISCH and myself. In fact, our leadership helped in preparing it and bringing it forward. All 100 Senators are cosponsors of this resolution. I think it a fitting tribute to the respect and honor in which Senator James A. McClure is held by this Senate.

Before I ask unanimous consent to take action on the resolution, I ask if Senator RISCH has anything further he wishes to add.

Mr. RISCH. Mr. President, we have gone through the various attributes for which Jim McClure was known. It is a true loss to Idaho and a true loss to the Nation. He was held in such high regard by all Idahoans. I am proud to be the person holding his seat.

He was a cofounder and a charter member of the steering committee on the Republican side. The steering committee is a group that was brought together to talk about and develop policies from a conservative standpoint for the Nation. It certainly is something that has been very helpful to the Republican Conference over the many years. Senator McClure will be remembered for that, and we certainly thank him for that.

I yield the floor.

Mr. CRAPO. Before I ask unanimous consent, Mr. President, I know Louise and a number of Senator McClure's family and friends are watching. This is a short but meaningful resolution. I believe I should read it in its entirety:

Relative to the death of James Albertus McClure, former United States Senator for the State of Idaho.

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served in the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of the State of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through the Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 78

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

The PRESIDING OFFICER. The Senator from Rhode Island.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BLACK HISTORY MONTH

Mr. CASEY. Mr. President, I rise to offer a tribute to honor Robert W. Bogle and the Philadelphia Tribune newspaper. Bob Bogle's family and many of his friends are with us in Washington, DC. They traveled from Philadelphia and other parts of our State and beyond to be with us as we pay tribute to his leadership and his commitment to the Philadelphia African-American community and to all the people in the city of Philadelphia and southeast Pennsylvania. I rise as well to honor the role the Philadelphia Tribune, as a leader in the Black press, has played in communities throughout our State.

This is the fifth year I have come to the floor of the Senate to honor a prominent African-American Pennsylvanian as part of the celebration of Black History Month. Bob Bogle today joins the Reverend Leon Sullivan, Judge Leon Higginbotham, former U.S. Transportation Secretary Bill Coleman, and former Pennsylvania Secretary of the Commonwealth C. Delores Tucker in being recognized this month in this way.

Today, I will talk about Bob Bogle and the Philadelphia Tribune and, in a larger sense, the history and the future of the Black press in Pennsylvania and across the country.

From the time Bob was a young child, his life has been inseparable from the Philadelphia Tribune. Bob's father John Bogle was the advertising director at the Philadelphia Tribune. Bob still reminisces about the playground he lived in, which was much different than the playgrounds in which most children live. As early as age 7, Bob would roam the Tribune building while waiting for his father to finish work. Bertha Godfrey, employed by the Tribune since 1946 and now senior vice president, recalls a young Bob Bogle wandering around curiously, observing the production department and other areas of the production of the Philadelphia Tribune newspaper.

In 1970, Bob Bogle started selling advertising for the Tribune and quickly worked his way up, impressing his colleagues and business associates alike. In 1973, he became advertising director, in 1976 director of marketing, and, by 1983, executive vice president and treasurer, before becoming president and chief executive officer of the Tribune in 1989.

Despite his early exposure to the Tribune, Bob did not initially plan on a career in journalism. He attended Cheyney State College—now Cheyney University—to study sociology, earning a B.A. in urban studies. After it became clear he was going to play a role in the management of the Tribune, he also attended the University of Pennsylvania's Wharton School to study marketing and economics. He has completed courses of study at Temple University and the Rochester Institute of Technology and continues to this day to hone his newspaper expertise by participating in annual workshops in many areas of marketing and advertising and publishing.

Bob has become a role model for Philadelphia African Americans and for the community at large. He served in leadership roles in a wide range of professional, civic, and social organizations. He is chairman of both the Hospitals and Higher Education Facilities Authority of Philadelphia and the Council of Trustees at Cheyney University, and serves as a commissioner of the Delaware River Port Authority. He also serves on the executive committee of the Greater Philadelphia Chamber of Commerce and on the boards of the Mann Music Center for the Performing Arts, the Zoological Society of Philadelphia, the African-American Chamber of Commerce, the Philadelphia Convention and Visitors Bureau, and of course, The Philadelphia Tribune. In 1995 Bob became the first African American to serve on the board of U.S.-Airways Group, one of the Nation's largest airlines. He served two terms as president of the National Newspaper Publishers Association, the nationwide trade association for Black newspapers.

Some of Bob's more recent board affiliations include the Philadelphia Museum of Art Corporate Partners Board, the Pennsylvania Newspaper Association Foundation, the Academy of Vocal Arts, the Greater Philadelphia Tourism Marketing Corporation and the Historical Society of Pennsylvania. He is also a founder and serves as a convener for the Forum for a Better Pennsylvania, a statewide, private sector leadership organization committed to enhanced civic and economic inclusion for African Americans.

Bob has also been honored for his service and leadership. In 2002, President George W. Bush appointed him to serve as a member of the National Museum of African American History and Culture Commission. In 2000, he received an honorary Doctorate of Humane Letters from Drexel University in Philadelphia. In addition, Bob has been a member of so many organizations too numerous to name.

While he is recognized as a community leader in various realms, it is Bob's role at the Tribune and with the Black press movement that stands out as his life's work.

Today, few question that the right to a free press, as enshrined in the Bill of Rights, applies to all. The right ensures that all Americans can participate in a vigorous and healthy debate necessary for a well-functioning democracy. But when our Constitution was first ratified, as we recall, most African Americans were not recognized as citizens and had few, if any, opportunities for participation in our democracy. It was not until a group of courageous men living in New York gathered some 30 years after the ratification of the Constitution that African Americans finally found an institution where they ''could plead their own case,'' as they said at the time.

In 1827, editors John Brown Russwurm and Samuel Eli Cornish published Freedom's Journal, the first Black newspaper in America. The newspaper provided African Americans with a public square of their own, where they could participate in discussions and advocate for African Americans.

As these two distinguished leaders wrote in their first editorial, ''Too long have others spoken for us. Too long has the public been deceived by misrepresentations. . . . ''

While the Freedom's Journal was short-lived, it began what was no less than a revolution. Other Black newspapers arose and began to explore subjects that were previously off-limits in the press of the day. New Black newspapers delved into previously unmentionable hardships in crafting a new identity for free and enslaved African Americans. Topics such as slavery and

menial labor were examined by African Americans for African Americans. For the first time in the history of our country, African Americans were able to speak freely through a press of their own. In addition, African Americans could start announcing to the world some of their most precious moments in life, such as births, anniversaries, deaths, and other family news. The Black Press helped establish a new extended community of African Americans all across the United States.

The Black Press expanded in the years prior to the Civil War, as over 40 publications across the Nation provided African Americans with viewpoints on issues such as immigration to Africa, emancipation in the South of the United States, and, of course, abolition and freedom.

Frederick Douglass was one of the many who published a Black newspaper in which he, like many others, urged African-American men in the North to enlist in the Union Army.

The post-Civil War era saw a period of rapid growth for the Black Press. The first daily newspaper, the New Orleans Tribune, was published in 1864, and newspapers continued to open across the country as African Americans migrated from the South.

By the 1880s, it became obvious that the growing African-American population in Philadelphia, PA, needed a newspaper. Christopher J. Perry filled the void. Following graduation from high school, Mr. Perry moved to Philadelphia to start a newspaper because, he said:

> For my people to make progress, they must have a newspaper in which they can speak and speak out against injustice.

Mr. Perry's newspaper, the Philadelphia Tribune, often told a different story from a perspective other than that of the city's traditional newspapers. Mr. Perry and the Philadelphia Tribune quickly established themselves as leaders of the growing African-American community in Philadelphia. The Tribune published stories highlighting Black institutions across Philadelphia that were not reported by the mainstream papers. Mr. Perry championed the causes of the African-American community, from covering important events to offering articles about champions of social and racial equality. Additionally, he provided a forum for African Americans to report on job openings, musical performances, and other happenings within the African-American society.

After Mr. Perry passed away in May of 1921, his children continued the traditions he began in the pages of the Philadelphia Tribune. The second generation of Perrys continued to fight for equality for African Americans. Eugene Washington Rhodes, Mr. Perry's son-in-law, succeeded him as editor. As Dorothy Anderson wrote in a tribute in 1958, ''In no year since The Philadelphia Tribune first burst upon the Philadelphia scene was there a single edition which did not press for equal rights, equal opportunities and equal privileges'' for the African-American community.

Eugene Rhodes continued to spotlight social issues around the city of Philadelphia and around the country by focusing on the northern migration during the 1920s and dangerous housing conditions for African Americans in Philadelphia during the 1930s. In addition, he provided much needed support for some of the first African-American politicians in the city of Philadelphia, such as John Asbury and Andrew Stevens, the first African Americans elected to the Pennsylvania House of Representatives. Perhaps most importantly, the Tribune led the fight against segregation in the Philadelphia School District by creating its own legal defense fund and publishing many editorials championing the equality of African Americans.

In 1940, the publisher of the Chicago Defender called a meeting of the major publications which made up the Black Press. He proposed that newspapers form an advocacy group to ensure the long-term survival of the Black Press. The Philadelphia Tribune was one of the newspapers invited to take part, and out of this first conference grew the National Newspaper Publishers Association. Over 200 newspapers are members today, and the association provides vital services to the Black Press so that its members can continue to report on African-American communities and society.

As the current president and CEO of the Philadelphia Tribune, Bob Bogle has continued the tradition of Christopher Perry, while leading the African-American community of Philadelphia into and beyond the 21st century. The Philadelphia Tribune is now the longest operating African-American newspaper in the Nation.

Recognizing Bob's leadership, the National Newspaper Publishers Association has honored the Tribune five times with the Russwurm Award, the association's highest honor for ''Best Newspaper in America.'' The award is named for John B. Russwurm, cofounder, as I mentioned before, of Freedom's Journal in the 1800s.

Recognized as a leading member of the Black Press, Bob Bogle has served two terms as president of the National Newspaper Publishers Association and is credited with increasing awareness of African-American issues, values, and lifestyles. He is also a founding member and president of the African American News and Information Consortium, a group of premier Black newspapers in some of the largest markets in the United States of America.

Finally, Bob continues in his role as ambassador for the city of Philadelphia. He sees race as a leading issue still plaguing our Nation, but he remains relentlessly optimistic. I am quoting Bob here:

> I am deeply engaged in the community. I believe that Philadelphia, as the birthplace of America, is the best city in America—it is diverse, it has great size; and our success will come from our collective understanding of who we are. The Philadelphia Tribune, though it is dedicated to covering the black community, also honors diversity. We have non-African Americans in every area of our business.

Of course, Bob has been not just a leader in the African-American community but a leader in the Philadelphia community at large for many years and especially active in the advancement of young African Americans who live in Philadelphia and the region. He describes his essential philosophy this way:

> To be responsible for what you do and be the best at it. We need to account for what we do. Accountability means responsibility and taking pride in your work and doing the best you can.

So says Bob Bogle, and those are good words to live by. They are words we can take to heart and strive every day in our own lives to live by.

So I am honored to be able to offer this tribute today to Bob Bogle, to his team at the Philadelphia Tribune and in a larger sense the history and, most importantly, the future of the African-American press—so-called the Black Press—in the United States. So please join me today in honoring a man of strength, a man of character, accomplishment, and service—Robert W. Bogle of Philadelphia, PA.

CHRISTIAN A. FLEETWOOD

Mr. CARDIN. Mr. President, today I wish to pay tribute to a man of extraordinary strength, moral character, and courage, to end National Black History Month on a high note. Every year, National Black History Month is given a theme; this year's focus rests on the American Civil War, the most divisive and destructive conflict ever witnessed in our great Nation. While many think of the Civil War as a conflict between Whites fought over the condition of African Americans, Blacks fought on both sides of the conflict as well. After Emancipation, the Union Armies fielded dozens of corps of the U.S. Colored Troops, making up approximately 10 percent of the total fighting force fielded by the North, at roughly 180,000 troops. One of those men was named Christian Abraham Fleetwood. His picture rests beside me today.

In many aspects before the war, Fleetwood was already a rare man. Christian A. Fleetwood was born in Baltimore to two free persons of color, Charles and Anna Marie Fleetwood, on July 21, 1840. He was lucky enough to be educated by a wealthy sugar merchant, free of charge, and continued his education with the Maryland Colonization Society, before graduating from the Ashmun Institute, which would later become Lincoln University.

Broadening his education, he travelled to Sierra Leone and Liberia, before returning to the United States to join the Union Army to fight for the freedom of the enslaved. Because of his education, Fleetwood was promoted to

sergeant upon enlisting, and sergeant major just a few days later. As part of the 4th Regiment United States Colored Infantry, he would see action in the Virginia and North Carolina campaigns in the 10th, 18th and 25th Army Corps, and would distinguish himself valorously at Chaffin's Farm, on the outskirts of Richmond, VA, on September 29, 1864.

At the age of 24, SGM Christian Fleetwood stood a mere 5 feet, 4.5 inches tall. Nonetheless, while marching on Confederate fortifications he witnessed Alfred B. Hilton, a fellow soldier, fall wounded while carrying the American flag and the Regimental Standard, which Hilton himself had retrieved from a wounded comrade. Rushing forward under withering fire, Fleetwood and another soldier named Charles Veale caught both banners before they brushed the ground. Now bearing the American flag, Fleetwood carried the attack forward, but retreated once it became clear that the unit did not have sufficient strength to penetrate the defenses. Returning through enemy fire to the reserve line, Fleetwood used his standard to rally a determined group of men and renewed the attack on the battlements.

In a fight where the 4th and 6th Regiments of U.S. Colored Troops sustained casualties reaching 50 percent, Fleetwood refused to give up. For these actions and their contribution to victory at Chaffin's Farm, Fleetwood, along with Veale and Hilton, were awarded the Medal of Honor. Fleetwood's official Medal of Honor citation reads simply: ''Seized the colors, after 2 color bearers had been shot down, and bore them nobly through the fight.'' Every officer in Fleetwood's regiment, all white men, submitted a petition to the War Department to have him commissioned an officer, a sure sign of the respect felt by all who witnessed his gallantry.

The medal is now part of the collection of the Smithsonian's National Museum of American History, and appears in the exhibit entitled ''The Price of Freedom.'' The medal's inclusion in the Smithsonian exhibit is also unique. Fleetwood's daughter Edith Fleetwood donated his medal to the Smithsonian Institute's National Museum in 1948. The Smithsonian accepted the medal, making Christian Fleetwood the first African-American veteran to be so honored.

The Civil War did not call an end to Christian Fleetwood's service, though he was discharged honorably on May 4, 1866. Fleetwood would go on to organize a battalion of the D.C. National Guardsmen, and, in the 1880s, formed Washington, DC's Colored High School Cadet Corps, which counted among its graduates Benjamin O. Davis, Sr., the Nation's first African-American general, and Wesley A. Brown, the first African-American graduate of the U.S. Naval Academy.

Christian Fleetwood embodied everything Americans revere. His actions in the 4th Regiment from Baltimore, MD, earned him the military's highest honor. He was selfless, brave, a fierce fighter for the abolition of slavery, and chose to dedicate his free life to service of his country and his community.

TRIBUTE TO TAHIS CASTRO

Mr. REID. Mr. President, I rise today to honor Tahis Castro, who is retiring after 17 years of serving Nevadans as an organizer for the Culinary Workers Union.

Tahis came to Reno from Costa Rica in 1987. In 1994, she cofounded and organized Hotel Employees and Restaurant Employees Local 86, which represented over 900 culinary workers throughout Reno. Since that time, she has helped negotiate improvements in health care benefits, wages, job security, and training for thousands of working families in Nevada.

Tahis has always been a dedicated and tireless promoter of justice, respect, and dignity for all workers. She has been instrumental in the growth of Local 86, which merged with Las Vegas' Culinary Workers Union Local 226 to represent a total of 60,000 workers in Nevada today. In addition, she has served on the executive board of the Nevada State AFL–CIO.

Tahis has also been influential in representing Nevadans in the political sphere. In 2008, she was chosen as one of the State's five delegates to the Electoral College, and she has been instrumental in promoting voter participation among Nevada's Latino citizens.

I am pleased to stand today to commend Tahis for all she has accomplished, and all she will continue to achieve. Along with the Culinary Workers Union, I congratulate Tahis for her concerted effort and her career of dedicated service.

REMEMBERING EARLE B. COMBS

Mr. MCCONNELL. Mr. President, I rise today to honor the remarkable life and career of one of baseball's greatest legends, and a native of the Commonwealth, the late Mr. Earle B. Combs. Known far and wide to fans as the Kentucky Greyhound, the Silver Fox and the Kentucky Colonel, Earle was a prime example of a gentleman who knew the value of hard work and determination.

Earle began his journey to greatness as a child on his father's farm in Pebworth, Owsley County, KY, where he and his siblings would play pickup games with homemade baseballs constructed out of leather and rubber trimmings from old, worn-out shoes and tightly wound string, and bats made with tree limbs found around the yard. Each spring, when warmer weather came, the rolling hills of farmland and hollows provided Earle with the perfect setting to develop a love for America's pastime.

But, as he grew older, he decided his calling in life was to teach. In 1917, Earle left his hometown of Pebworth to attend Eastern Kentucky State Normal School, now Eastern Kentucky University, and received his teaching certificate in 1919. To help pay for his education, Earle returned to eastern Kentucky to teach in one-room schools in Kentucky towns like Ida May and Levi. That was until destiny had other plans.

In 1918 after a faculty-student baseball game, Earle's abilities caught the eye of Dr. Charles Keith, an Eastern Kentucky State Normal School dean and former pro player, who recommended he try out for Eastern's team. After successfully landing a spot on the team, Earle's talent on the field started to gain him some much-deserved attention. In the summer of 1921, after his last season on Eastern's team, Earle played semiprofessional baseball in several Kentucky towns until he was offered a contract with the Louisville Colonels.

During his 2 years with the Colonels, Earle's miraculous talent earned him his career-long reputation as a line-drive hitter with reckless base-stealing ability. In 1924, this reputation traveled north all the way to New York, where the New York Yankees bought the young and talented Earle for $50,000.

In the years that followed, Earle became a leadoff hitter for the famed Yankees ''Murderers Row,'' a lineup of the late 1920s and early 1930s, and a member of the 1927 World Championship Yankees team where he played alongside other greats by the names of Babe Ruth and Lou Gehrig. He was errorless in the 16 World Series games in which he played throughout his career, and ended with a career batting average of .325.

Earle retired in 1935 after sustaining a brutal outfield injury the year before, but remained a coach for the Yankees until 1944, during which he trained other baseball greats such as Joe DiMaggio. He was named to the National Baseball Hall of Fame in Cooperstown, NY, in 1970.

Earle coached for several other teams before returning to Madison County where he served as a banking commissioner during Governor A.B. Chandler's second administration and on Eastern Kentucky University's board of regents for 19 years, serving as chairman for 2 of those years. Earle was a leader both on and off the diamond. He was known as a loving family man, a successful businessman, and above all, a true gentleman. He was a devoted father and grandfather and a loyal husband to his childhood sweetheart, the late Ruth Combs.

He valued hard-work and knew the importance of higher education. There is no question that Earle was someone who forever changed the game of baseball, who left an impression on those he taught, and who left a lasting legacy in both his community and throughout the Commonwealth.

The Booneville Sentinel recently published an article introducing a new

portrait of the late Earle B. Combs that was hung on the outside of the courthouse in Owsley County, KY, on December 30, 2010. What an honor for this athlete and legend from his hometown and home county. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Booneville Sentinel, Jan. 12, 2011]

EARLE B. COMBS PORTRAIT HUNG AT COURTHOUSE

(By Rosalind Turner)

Boonesville and Owsley County officials honored one of the community's most famous sons Thursday, December 30 when a portrait of the late Earle B. Combs was hung on the outside of the Owsley County Courthouse.

Earle B. Combs, a native of Pebworth and the son of James Jesse and Nannie (Brandenburg) Combs, was a major league baseball player, a member of the 1929 New York Yankees and was named to the National Baseball Hall of Fame, In 1917, Combs left Owsley at age 17 to pursue a degree in education at Eastern Kentucky Normal School (Eastern Kentucky University). Though he earned his degree in 1919 and taught at one-room schools in Ida May and Levi, he eventually changed his career path to play baseball.

In 1924, he earned a position as the centerfielder and leadoff hitter for the famed New York Yankees ''Murderers Row'' lineup of the late 1920s and early 1930s, according to the Earle Bryan Combs official website. He was a member of the 1927 World Champion Yankees team, which also featured baseball greats Babe Ruth and Lou Gehrig, and is considered by many to be the greatest team in baseball history.

As the portrait was installed on the side of the courthouse, the outgoing Owsley County Judge-Executive Cale Turner and Booneville Mayor Charles Long were joined by one of Combs' grandsons and two great-grandsons.

''We are so honored,'' said Craig Combs of Richmond, a grandson with very fond memories of his grandfather. ''Thank you so much.''

Craig Combs praised Turner, Long and others who were instrumental in seeing the project to fruition. In March, Craig Combs came to Owsley to speak to Holly Shouse's class at Owsley County Elementary School about his grandfather. He said that he was later contacted about the courthouse project and gave his permission for the officials to proceed.

''I was very honored,'' he said. ''I was thrilled that you (the project planners) were going to include grandfather.''

Turner said that it has been a long time goal of Mayor Long's to have a portrait in the city honoring the famed baseball player.

''We're tickled to be here and we're tickled that (the community) thought enough of him to put his picture on the side of the courthouse. (It shows) obviously, how proud they are of grandfather,'' said Craig Combs, who was accompanied by his sons, John. 17, who plans to study vocal music at the University of Louisville, and Christopher, 22, who played baseball at Madison Central, graduated from the University of Evansville and is currently working on his Ph.D. at the University of Texas in aerospace engineering.

Earle B. Combs has had many honors bestowed upon him, but for his grandson, this one is especially meaningful. ''Coming from his hometown and his home county, this is something very special,'' said Craig Combs. ''I appreciate Judge Turner and Mayor Long for being so kind to us when we came down.''

Long said he is very pleased to see the community finally honor its famous son with the portrait at the courthouse.

''This has been a dream of Mayor Long's,'' said Turner. ''He has brought it up at numerous meetings.''

The portrait by Robert Johnson of Madison Avenue Designs in Georgetown joins other murals at the courthouse depicting important Owsley County scenes.

Turner acknowledged the assistance of Jo'e Short, Kacey Smith and Cassie Hudson, members of the Action Team. These ladies wrote the application to the Flex-E ARC grant program after attending the Brushy Fork Institute at Berea College that got the ball rolling. ''This would not have happened without the grant,'' he said. Additional matching funds for the project came from the Owsley County Fiscal Court, the Owsley County Action Team and Farmer's State Bank.

As a legendary baseball player, businessman and member of the Eastern Kentucky University board of regents, Craig Combs said his grandfather was much respected. However, his grandson remembers more than baseball and business.

''He was just Pop to me,'' he explained, recalling nights spent With his grandfather and grandmother (Mimi), Ruth McCollum, also a native of Owsley County, on their farm in rural Madison County.

''It was a magical time to grow up and be around them because they cared so much for us. He was just a regular, loving grandfather.''

Craig Combs recalls the stories about his grandfather's baseball career and said he became the family's baseball historian.

''It was a wonderful upbringing to be around them. To be their grandson was so special.''

Craig Combs said he remembers his grandfather very well. He was 18 when Earle B. Combs passed away. Earle and Ruth Combs had three children. Earle Jr., Charles and Donald Combs. Mrs. Combs died in 1989.

Still a student, Earle Combs started playing baseball at Eastern. That led to playing semi-professional ball in such Kentucky towns as Winchester, High Splint and Lexington. While playing for the Lexington Reos of the Bluegrass League, he drew the attention of the Louisville Cardinals (American Association), where he honed his skill in 1922 and 1923. In 1924, he was a rookie for the New York Yankees, patrolling center field between Babe Ruth and Rob Meusel. The following season, he was installed as the leadoff hitter in the famed ''Murderers Row'' Yankee lineup. He kept that position for the remaining 11 years of his career. During his career, he batted over .300 nine times, had 200 or more hits three times, paced the American League in triples three times and twice led all AL outfielders in putouts, He had a career batting average of .325. In the outfield, he was known as ''swift and sure-handed,'' according to the Earle B. Combs official website.

A favorite of Yankee fans, nicknames bestowed upon him included ''Kentucky Greyhound,'' ''Silver Fox'' and ''Kentucky Colonel.'' After an injury, he retired in 1935 and coached for the team until 1944. The first year he coached, he trained his replacement, Joe DiMaggio. He coached for several other teams before retiring in the mid-1950s and returning to his Madison County farm. He served as Kentucky banking commissioner during Gov. A.B. Chandler's second administration (1955–59). He served on Eastern Kentucky University's board of regents from 1956–1975 and was chairman from 1972–74. A dormitory at EKU (Earle Combs Hall) bears his name and the school gives an athletic scholarship in his honor. He also is a charter member of EKU's Athletics Hall of Fame.

Earle B. Combs was named to the National Baseball Ball of Fame in Cooperstown, NY in 1970. His baseball career included being part of nine World Championships as a player and coach in New York.

Many from Owsley County, including Mayor Long and Judge Turner who watched the portrait go on the courthouse wall, are proud of the numerous honors and accolades bestowed upon this Hall of Fame baseball player. They are also gratified that he found fame for himself while practicing the values he learned growing up in Pebworth in Owsley County, Ky.

FEDERAL EMPLOYEE INCOME TAXES

Mr. COBURN. Mr. President, on February 17, 2011, I introduced a bill that will provide assurance to taxpayers that Federal employees are on equal footing with the American people and are held accountable to the same rules they enforce.

In 2009, the Internal Revenue Service, IRS, found nearly 100,000 civilian Federal employees were delinquent on their Federal income taxes, owing over $1 billion in unpaid Federal income taxes. When considering retirees and military, more than 282,000 Federal employees owed $3.3 billion in taxes.

This legislation will save taxpayers at least $1 billion by requiring the Internal Revenue Service to collect unpaid Federal income taxes from civilian Federal employees.

Federal employees have a clear obligation to pay their Federal income taxes. The very nature of Federal employment and the concept inherent to ''public service'' demands those being paid by taxpayers to also pay their fair share of taxes. Federal workers should not be exempt from the laws they enforce. In fact, they should lead by example. Failure to do so is an affront to taxpayers and to the rule of law.

Unfortunately, Congress has allowed this abuse of taxpayer dollars to occur throughout the Federal Government and failed to implement the proper safeguards to hold culprits accountable. Considering our national debt recently surpassed $14 trillion, it is critical Congress quickly pass this legislation. Surely this milestone is a wake-up call for Congress to find ways to get control of the Federal budget and help get our country back on the right track towards fiscal responsibility.

The bill I recently introduced requires all Federal employees to be current on their Federal income taxes or be fired from their jobs. This is a commonsense bill that most Americans would believe is reasonable, necessary, and likely surprised that it is not already the standard throughout the Federal Government.

It is not the intention of this legislation to single out the majority of Federal employees who work hard and pay their taxes. Instead, the bill would carefully reach only those who have willfully neglected to pay their income taxes and would direct the IRS to only collect money already owed under the Federal Tax Code.

This legislation excludes Federal employees who make oversights in their personal taxes but willfully agree to pay them or are challenging the delinquency in court or through the IRS.

Specifically, it excludes Federal employees from termination if (1) the individual is currently paying the taxes, interest, and penalties owed to IRS under an installment plan; (2) the individual and the IRS have worked out a compromise on the amount of taxes, interest and penalties owed, and the compromise amount agreed upon is being repaid to IRS; (3) the individual has not exhausted his or her right to due process under the law; or (4) the individual filed a joint return and successfully contends he or she should not be fully liable for the taxes, interest, and/or penalties owed because of something the other party to the return did or did not do.

I recently introduced this bipartisan legislation, because Congress has failed to responsibly manage taxpayer dollars and serve in the best interests of the American people. This legislation will provide a solution to level the playing field between Federal employees and the American people when it comes to paying Federal income taxes.

It should be a priority of this Congress to pass this solution as a way to provide equal treatment under the law and to seek out commonsense opportunities that will reduce our national debt. Now is the time for Congress to get a grip on the federal budget and find responsible ways to save in order to preserve the heritage of service and sacrifice that made our country great.

I thank my colleagues for the opportunity to speak in support of this legislation. I ask my colleagues on both sides of the aisle for their support.

COMMITTEE ON FOREIGN RELATIONS RULES OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent to have printed in the RECORD ''Rules of the Committee on Foreign Relations.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

RULE 1—JURISDICTION

(a) *Substantive*.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The committee also has a responsibility under Senate Rule XXVI.8, which provides that ''. . . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee.''

(c) *''Advice and Consent'' Clauses*.—The committee has a special responsibility to assist the Senate in its constitutional function of providing ''advice and consent'' to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation*.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments*.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Meetings*.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day*.—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings*.—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses*.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) *Public Announcement*.—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure*.—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings.

Each member of the committee may designate members of his or her personal staff, who hold a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff with a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement. Witnesses appearing on behalf of the executive branch shall provide an additional 100 copies of their statement to the committee.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination

until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel.*—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *Personal Representatives of the Member (PRM).*—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the ''Personal Representative of the Member.''

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or SVC–217 of the Capitol Visitors Center, except for the purpose of declassification.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in SVC–217 of the Capitol Visitors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC–217 of the Capitol Visitors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC–217 of the Capitol Visitors Center; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or SVC–217 of the Capitol Visitors Center.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a ''need to know'' such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, committee action; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 23, 2011, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a Majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the Minority counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all Members.

No public hearing shall be held if the Minority Members unanimously object, unless the full Committee on Homeland Security and Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights; *provided, however*, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued

by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff members and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the Minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered, for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or

any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48–hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from deliver to the appropriate offices, unless the Chairman and the Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Contracting Oversight adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Ad Hoc Subcommittee on Contracting Oversight printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any matters or recommendations. Nothing herein shall be construed to authorize the consideration or reporting of legislation.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 15, 2011, the Committee on Homeland Security and Governmental Affairs adopted committee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Committee on Homeland Security and Governmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Chief Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present. This subsection shall apply only when at least 72 hours written notice of a session to mark up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the

duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu

of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the foregoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations
Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia
Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

ADDITIONAL STATEMENTS

TRIBUTE TO LILLY NUTTER

• Mr. LUGAR. Mr. President, today I recognize a remarkable Hoosier, Mrs. Lilly Nutter of Warren, IN, who has worked diligently in her own way to provide a measure of comfort to more than 1,000 servicemembers stationed in Iraq and Afghanistan.

After a career with the Department of Defense that included service in California and at Grissom Air Force Base in my State of Indiana, Mrs. Nutter retired to her husband's hometown of Warren where she is active with the Welcome Wagon, the Chamber of Commerce, the Cancer Society, and the food pantry.

However, I especially admire Mrs. Nutter's work on behalf of our servicemembers. In 2003, Mrs. Nutter was contacted by her grandson Kent Dolasky, who was serving with the U.S. Army in Iraq. Her grandson shared his concern that some of his fellow soldiers did not receive packages from their friends and family during their deployment. Always looking for a new opportunity to help others, Mrs. Nutter got to work collecting candy, toiletries, and other items that would bring a smile to the faces of servicemembers during time away from their loved ones and the comforts of home. Her efforts, however, did not conclude when her grandson and his unit returned home. Since 2003, Mrs. Nutter has worked with her family and friends both in her community and across the country to collect goods that have been assembled into more than 1,000 care packages.

I am hopeful that my fellow Senators will join me in thanking Mrs. Nutter for her remarkable work on behalf of our servicemembers and in recognizing her spirit of care and compassion for those who risk their lives defending our Nation abroad.•

CENTENNIAL ANNIVERSARY OF THE THEODORE ROOSEVELT DAM

• Mr. MCCAIN. Mr. President, on March 18, 2011, the State of Arizona will celebrate the 100 year anniversary of the Theodore Roosevelt Dam. As that day approaches, I wish to recognize how vital this structure has been in unlocking the tremendous economic potential of my State.

In the arid and often unforgiving desert, the Theodore Roosevelt Dam is the central component and crowning achievement of one of the Nation's first water reclamation projects in the West. In 1903, a group of visionary territorial Arizonans banded together to mortgage their lands as debt collateral for a Federal loan to build the Roosevelt Dam. The dam was completed 8 years later, in 1911, and stood as the world's largest masonry dam of its day. Located on the Salt River, it serves as both a water storage system and hydroelectric facility that supplies electricity, drinking water and irrigation water to the downstream communities of metropolitan Phoenix.

Those original landowners, who in 1903 formed the Salt River Valley Water Users Association, had a vision of what could be. Indeed, Roosevelt Dam nurtured and ultimately transformed the Salt River Valley into what is today. The dam made Phoenix a boom town, and turned the surrounding area into one of fastest-growing regions in the Nation. People came, and with them a strong and vibrant economy grew to attract new businesses fueled by a diverse labor force. Roosevelt Dam literally changed people's ideas about living in the desert. It is a legacy that continues today with the Salt River Project, a power and water utility that continues to provide the infrastructure that feeds the area's economy.

Over the next several decades, the Phoenix area is projected to expand by twice the national rate once again demonstrating the vitality of the community. No other reclamation project in the history of Arizona has stimulated the economic and population boom in the way Roosevelt Dam did once it was completed. For that reason, I am proud to honor its contributions in my State, for the past 100 years and into its next century of service.•

REMEMBERING EVANGELISTO RAMIREZ GARCIA

• Mr. UDALL of New Mexico. Mr. President, last month, my home State of New Mexico lost a great man when Mr. Evangelisto ''Evans'' Ramirez Garcia, a survivor of the Bataan Death March, passed away at the age of 97. The loss of a hero such as Mr. Garcia is felt not only by New Mexicans but by our entire country—which is forever indebted to those brave men captured in Bataan. I would like to take a few moments to honor him today.

Mr. Garcia's life tells a story of patriotism in its finest form. He served in two wars, earning a Purple Heart, Bronze Star, and POW Medal among other commendations, and continued to support veterans' issues long after he completed his military service.

Cutting his university studies short to enlist in the U.S. Army in 1941, Mr. Garcia and his fellow soldiers stationed in the Philippines played a vital role in the eventual victory of the Allied forces. They gave little merit to their own safety or comfort and helped to slow the Japanese advance, giving Allied troops the time to reorganize and reverse Japan's progress.

Mr. Garcia credited his faith as giving him the spiritual strength to survive the three years of inhumane conditions and atrocities he faced at the hands of his captors—including the 55-mile Bataan Death March.

Mr. Garcia's dedication to his country did not waiver in the following years and he reenlisted in the Army as the Korean war escalated. He served another year before settling down in Santa Fe.

As an active member of the Veterans of Foreign Wars, a regular volunteer at the VA Hospital, and a participant in marches commemorating the Bataan Death March, Mr. Garcia touched many lives through his continued support of fellow veterans.

For those who knew him it was evident that he was no less devoted in his personal life. He was a loving father, grandfather, and great-grandfather. For his family, it will be the times spent fishing together that they will remember and miss the most.

While Mr. Garcia was a hero to his country, he was a personal hero to two of his grandsons who followed in his footsteps and joined the military themselves.

Let us honor this hero's legacy, and all those who serve our country, by continuing Mr. Garcia's work and supporting those who have made so many sacrifices for our country.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on February 18, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 514. An act 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.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the

order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, and Mr. COHEN of Tennessee.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. SCOTT of Georgia, and Ms. SCHWARTZ of Pennsylvania.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROCKEFELLER) on Wednesday, February, 23, 2011.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Speaker appointed the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. DAVID SCOTT of Georgia (in lieu of Mr. AUSTIN SCOTT of Georgia).

MEASURES DISCHARGED

The following resolution was discharged from the Committee on Rules and Administration, and placed on the calendar:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–666. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Potassium hypochlorite; Exemption from the Requirement of a Tolerance'' (FRL No. 8859–5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–667. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenoconazole; Pesticide Tolerances'' (FRL No. 8864–9) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–668. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–669. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–670. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency that was declared on February 25, 2011, blocking property and prohibiting certain transactions related to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–671. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Fiduciary Duties at Federal Credit Unions; Mergers and Conversions of Insured Credit Unions'' (RIN3133–AD40) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–672. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Conversions of Insured Credit Unions'' (RIN3133–AD84) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–673. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–674. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–675. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District'' (FRL No. 9249–3) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–676. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard'' (FRL No. 9271–9) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–677. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan for Imperial County, Kern County, and Ventura County Air Pollution Control Districts'' (FRL No. 9239–6) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–678. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9271–5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–679. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program; Technical Amendment'' (FRL No. 9272–1) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–680. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'' (FRL No. 9273–1) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–681. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'' (FRL No. 9272–8) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–682. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'' (FRL No. 9273–5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–683. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual management report relative to its operations and financial condition; to the Committee on Finance.

EC–684. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Requirements for Long-Term Care (LTC) Facilities; Notice of Facility Closure'' (RIN0938–AQ09) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Finance.

EC–685. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Children's Health Insurance Program (CHIP); Allotment Methodology and States' Fiscal Years 2009 through 2015 CHIP Allotments'' (RIN0938–AP53) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Finance.

EC–686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March 2011'' (Rev. Rul. 2011–6) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Finance.

EC–687. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Information Security Program'' (RIN3072–AC40) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–688. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0018—2011–0021); to the Committee on Foreign Relations.

EC–689. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC–690. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Update to NFPA 101, Life Safety Code, for State Home Facilities'' (RIN2900–AN59) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Veterans' Affairs.

EC–691. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Updating Fire Safety Standards'' (RIN2900–AN57) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on Veterans' Affairs.

EC–692. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Copayments for Medications After June 30, 2010'' (RIN2900–AN65) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. Res. 79. An original resolution authorizing expenditures by the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Daniel L. Shields III, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Nominee: Daniel Luke Shields, III.

Post: Ambassador to Brunei Darussalam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: No contributions.

2. Spouse: No contributions.

3. Children and Spouses: Sonali Eileen Saya Shields: No contributions.

4. Parents: Daniel L. Shields, Jr., Helen M. Shields: $25, 05/08/2010, Republican Party of Pennsylvania; $25, 10/21/2009, Republican Party of Pennsylvania; $50, 01/31/2008, Senator John McCain; $25, 06/18/2007, Senator, John McCain; $25, 03/21/2007, Senator John McCain 2008; $25, 10/12/2006, Senator Rick Santorum; $50, 05/02/2006, Straight Talk America.

5. Grandparents: Daniel L. Shields (deceased), Agnes Shields (deceased), Leo Santry (deceased), Gertrude Santry (deceased): No contributions.

6. Brothers and Spouses: Michael A. Shields, Alison Langley, Gregory T. Shields, Amy Shields: No contributions.

7. Sisters and Spouses: Kathleen A. DeLong, Tod DeLong: No contributions.

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*Pamela L. Spratlen, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Nominee Pamela L. Spratlen.

Post: Ambassador to Kyrgyzstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Dr. Thaddeus H. Spratlen and Dr. Lois Price Spratlen—please see addendum.

5. Grandparents: Ora Ferguson Price and Madison Price—deceased. Lela Spratlen and Rev. John B. Spratlen—deceased.

6. Brothers and Spouses: Khalfani Mwamba; spouse, Anita Koyier-Mwamba; Townsand Price-Spratlen.

7. Sisters and Spouses: Patricia Etem—$250, 2/25/08, Obama for America; spouse, Richard Etem; Paula Mitchell; James Mitchell, deceased.

Federal Campaign Contribution Report—Spratlen Addendum. Political contributions of parents Thaddeus H. and Lois P. Spratlen—combination of Federal, State, Local and National contributions.

2006—amount, date, donee:

T.H. and L.P. Spratlen: $50, 4/12/06, Democratic National Committee; $50, 4/12/06, Dem Congressional Campaign Comm.; $100, 5/15/06, WA State Democratic Party; $50, 6/19/06, WA State Democratic Party; $50, 6/19/06, Dem Congressional Campaign Comm.; $12, 7/17/06, WA State Patrol Officers Association.

2007—T.H. and L.P. Spratlen: $50, 1/22/07, Democratic National Committee; $300, 2/20/07, Larry Gossett for King County Council; $50, 3/4/07, Dem Congressional Campaign Comm.; $100, 5/10/07, Gregoire for Governor; $50, 6/25/07, Sally Soriano for School Board; $200, 7/23/07, Obama for President; $50, 7/28/07, Dem Congressional Campaign Comm.; $150, 8/10/07, Bruce Harrell for City Council; $50, 8/13/07, Dem Congressional Campaign Comm.; $25, 8/14/07, WA State Law Enforcement Officers; $200, 8/31/07, Bruce Harrell for City Council; $300, 10/22/07, Sally Soriano for School Board; $200, 10/24/07, David Della for City Council; $500, 12/04/07, Obama for America; $400, 12/24/07, Obama for America.

2008—T.H. Spratlen: $400, 1/30/08, Obama for America; $500, 3/24/08, Obama for America; $1,000, 8/30/08, Obama for America; $1,000 10/17/08, Obama Victory Fund; $1,000, 10/24/08, Obama for America. L.P. Spratlen: $500, 2/25/08 Obama for America; $1,000, 10/28/08 Obama for America. T.H and L.P. Spratlen: $50, 3/18/08, Democratic National Committee; $50, 5/5/08, People for Scott White (State Senate); $1,000, 6/3/08, Ron Sims for King County Executive; $50, 6/19/08, Jason Osgood for Secretary of State; $300, 8/5/08, WA Public Campaign Finance Reform.

2009—T.H. and L.P. Spratlen: $100, 2/2/09, Democratic National Committee; $1,000, 2/20/09, Larry Gossett for King County Council; $100, 3/15/09, People for Nick Licata City Council; $50, 12/5/09, 46th District Democrats.

2010—T.H. and L.P. Spratlen: $50, 1/25/10, Adam Kline for State Senate (Dem); $200, 5/06/10, Randy Gordon for State Senate (Dem); $50, 6/30/10, Scott White for State Senate (Dem); $250, 8/06/10, Patty Murray for U.S. Senate (Dem); $100, 8/27/10, WA State Democratic Central Committee (Dem).

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*Sue Kathrine Brown, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Montenegro.

Nominee: SUE KATHRINE BROWN.

Post nominated: U.S. Ambassador to Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0.

2. Spouse: n/a.

3. Children and Spouses: Anthony L. Brown: 0. Tisha M. Pryor: 0. Kevin A. Pryor: 0. Kenneth D. Laryea, Jr.: 0. Justin D. Laryea: 0.

4. Parents: Deceased.

5. Grandparents: Deceased.
6. Brothers and Spouses: n/a.
7. Sisters and Spouses: Martha L. Blue: 0.

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*David Lee Carden, of New York, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank of Ambassador Extraordinary and Plenipotentiary.

Nominee: David Lee Carden.

Post: U.S. Representative to ASEAN.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $500, 10/05/06, Democratic Senatorial Campaign Committee; $1000, 10/19/06, Whitehouse for Senate; $2300, 01/23/07, Obama for America; $1000, 05/04/07, John Hall for Congress; $1000, 05/05/08, Senate 2008; $1000, 07/31/08, Hillary Clinton for President; $5000, 10/16/08, Obama Victory Fund; $2300, 11/03/08, Obama Victory Fund; $2400, 09/08/09, Julie Hamos for Congress; $1000, 09/24/09, Hodes for Senate; $1000, 07/14/10, Democratic National Committee.

2. Spouse: Rebecca R. Riley: $2300, 08/08/07, Obama for America; $210, 03/24/08, Obama for America, $236.01, 08/20/08, Obama Victory Fund; $3, 08/29/08, Obama for America.

3. Children and Spouses: Dylan D. Carden: $2000, 06/11/07, Obama for America. Meredith M. Carden: $2300, 05/18/07, Obama for America.

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*Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Irene Arino de la Rubia and ending with Robert Joseph Faucher, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Ms. LANDRIEU):

S. 416. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. ENSIGN:

S. 417. A bill to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. CRAPO, Mr. INOUYE, Ms. SNOWE, Mr. WYDEN, and Mr. BEGICH):

S. 418. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 419. A bill to authorize the Dry-Redwater Regional Water Authority System; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 420. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mrs. HAGAN:

S. 421. A bill to amend the Energy Independence and Security Act of 2007 to require the Secretary of Energy to provide grants for lithium production research and development; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 7. A joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 8. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 9. A joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. CORNYN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COCHRAN, Mr. SESSIONS, and Mr. SHELBY):

S. Res. 77. A resolution expressing the sense of the Senate that domestic oil and gas resources are critical to our Nation's security and economy and the Secretary of the Interior should take immediate action to streamline the shallow and deepwater permitting process; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. RISCH, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 78. A resolution relative to the death of James Albertus McClure, former United States Senator for the State of Idaho; considered and agreed to.

By Mr. KERRY:

S. Res. 79. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. BARRASSO (for himself and Mr. NELSON of Nebraska):

S. Con. Res. 7. A concurrent resolution supporting the Local Radio Freedom Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. BURR, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, and Mr. LAUTENBERG):

S. Con. Res. 8. A concurrent resolution recognizing women serving in the United States Armed Forces; considered and agreed to.

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 104

At the request of Mr. JOHANNS, the name of the Senator from Wisconsin

(Mr. KOHL) was added as a cosponsor of S. 104, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 311

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 344

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. BENNET) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S. 359

At the request of Mr. JOHANNS, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 374

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 374, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 388

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. COONS), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 388, a bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

S. 400

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 400, a bill to amend the Federal Power Act to ensure that rates and charges for electric energy are assessed in proportion to measurable reliability or economic benefit, and for other purposes.

S.J. RES. 5

At the request of Mr. LEE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 5

At the request of Mr. ROCKEFELLER, the names of the Senator from Colorado (Mr. UDALL), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Con. Res. 5, a concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 77—EXPRESSING THE SENSE OF THE SENATE THAT DOMESTIC OIL AND GAS RESOURCES ARE CRITICAL TO OUR NATION'S SECURITY AND ECONOMY AND THE SECRETARY OF THE INTERIOR SHOULD TAKE IMMEDIATE ACTION TO STREAMLINE THE SHALLOW AND DEEPWATER PERMITTING PROCESS

Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. CORNYN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COCHRAN, Mr. SESSIONS, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 77

Whereas the Gulf of Mexico produces about 30 percent of oil in the United States and 10 percent of natural gas in the United States;

Whereas on May 30, 2010, the Department of the Interior enacted a deepwater moratorium which lasted until October 12, 2010;

Whereas more than 400,000 jobs across the Gulf Coast are tied to the offshore drilling industry;

Whereas in 2009, the offshore drilling industry accounted for $70,000,000,000 in economic value and provided about $20,000,000,000 in revenue to Federal, State, and local governments through royalties, bonuses, and tax collections;

Whereas the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling recognized the importance of the industry in a report, stating, ''the development of offshore energy resources contributes substantially to local economies, supporting businesses small and large and employing tens of thousands of workers'';

Whereas the Department of the Interior has issued less than 35 new shallow water permits since the shallow water moratorium was lifted and has failed to issue any new permits for deepwater exploration; and

Whereas as a result of the de facto moratorium, at least 12 rigs (shallow and deepwater) have departed the Gulf of Mexico, and more are expected to follow: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Nation's economy and security depends upon full and immediate restoration of shallow and deepwater drilling operations in the Gulf of Mexico;

(2) the long term economic health of the State of Alaska depends upon the responsible development of the oil and natural gas reserves of the Beaufort and Chukchi Seas; and

(3) the Secretary of the Interior should—

(A) streamline the review and appropriate approval of applications for both shallow and deepwater drilling permits in the Outer Continental Shelf;

(B) take immediate action to provide the shallow and deepwater industry with a completed sample application which meets all of the new safety and environmental regulations for use as a template;

(C) provide written guidance and clarification to applicants regarding new safety requirements; and

(D) provide permit applicants with timely and detailed explanations on any areas of a permit which do not satisfy new requirements.

SENATE RESOLUTION 78—RELATIVE TO THE DEATH OF JAMES ALBERTUS McCLURE, FORMER UNITED STATES SENATOR FOR THE STATE OF IDAHO

Mr. CRAPO (for himself, Mr. RISCH, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. REID of Nevada, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

SENATE RESOLUTION 79—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 79

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,393,404, of which amount—

(1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $7,531,549, of which amount—

(1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,138,145, of which amount—

(1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE CONCURRENT RESOLUTION 7—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mr. BARRASSO (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 7

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

Whereas for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and House of Representatives have previously reported that ''the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting'';

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

SENATE CONCURRENT RESOLUTION 8—RECOGNIZING WOMEN SERVING IN THE UNITED STATES ARMED FORCES

Mrs. BOXER (for herself, Mr. BURR, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas women have served with distinction in the United States Armed Forces since the American Revolution and have made significant and lasting contributions to the security of the United States;

Whereas in 2011, women comprise nearly 16 percent of the United States Armed Forces and serve in positions of responsibility in the active and reserve components of the Army, Marine Corps, Navy, Air Force, and Coast Guard, as compared with less than 5 percent in 1976 when women were first integrated into the service academies;

Whereas women serve at the highest levels in the Department of Defense and other governmental organizations contributing to the defense of the United States; and

Whereas the accomplishments of generations of women have contributed to the history of the United States Armed Forces and to the strength of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of women to national defense throughout the history of the United States; and

(2) encourages the people of the United States to honor women who have served and who continue to serve the United States in the United States Armed Forces.

AMENDMENTS SUBMITTED AND PROPOSED

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, supra; which was ordered to lie on the table.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23, supra.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, supra.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, supra.

SA 117. Mr. BENNET (for himself and Mr. UDALL of Colorado) proposed an amendment to the bill S. 23, supra.

TEXT OF AMENDMENTS

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

SEC. _____. FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Full Faith and Credit Act''.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay monthly old-age, survivors', and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23 , to amend title 35, United States Code, to provide for patent reform; as follows:

On page 1, strike line 5, and insert the following: '''America Invents Act''.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should pass and the States should agree to an amendment to the Constitution requiring a Federal balanced budget.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike ''(i)'' and insert ''(j)''.

SA 117. Mr. BENNET (for himself and Mr. UDALL or Colorado) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term ''Patent and Trademark Office'' means the United States Patent and Trademark Office.

On page 104, line 23, strike ''**SEC. 18.**'' and insert ''**SEC. 19.**''.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, March 1, 2011, at 10 a.m., to conduct a markup of the Omnibus Budget for Senate Committees.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 28, 2011, at 5:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that my DOD fellow, Julius Spain, Francie Powers, and Michael McLaughlin, be allowed to have floor privileges during the reading of Washington's Farewell Address.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Remy Yucel, a detailee in my office from the U.S. Patent and Trademark Office; Ron Rowe, a detailee in my office from the U.S. Secret Service; Ryika Hooshangi, a foreign affairs detailee in my office from the Department of State; LTC Jason Bartolomei, a military fellow in my office from the U.S. Air Force; Paul Williams, a detailee in my office from the Food and Drug Administration; Maureen McLaughlin, a detailee to the Senate Finance Committee from the Federal Communications Commission; and Jesse Baker, a detailee to the Senate Finance Committee from the U.S. Secret Service all be granted the privilege of the floor for the remainder of the first session of the 112th Congress.

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

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

On Thursday, February 17, 2011, the Senate passed S. 223, as amended, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Air Transportation Modernization and Safety Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of Next Generation Air Transportation System projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Government share of certain air project costs.
Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.
Sec. 208. Miscellaneous amendments.
Sec. 209. State block grant program.
Sec. 210. Airport funding of special studies or reviews.
Sec. 211. Grant eligibility for assessment of flight procedures.
Sec. 212. Safety-critical airports.
Sec. 213. Environmental mitigation demonstration pilot program.
Sec. 214. Allowable project costs.
Sec. 215. Glycol recovery vehicles.
Sec. 216. Research improvement for aircraft.
Sec. 217. United States Territory minimum guarantee.
Sec. 218. Merrill Field Airport, Anchorage, Alaska.
Sec. 219. Release from restrictions.
Sec. 220. Designation of former military airports.
Sec. 221. Airport sustainability planning working group.
Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.
Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.
Sec. 224. Use of mineral revenue at certain airports.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. NextGen management.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system implementation office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Acceleration of NextGen technologies.
Sec. 315. ADS–B development and implementation.
Sec. 316. Equipage incentives.
Sec. 317. Performance metrics.
Sec. 318. Certification standards and resources.
Sec. 319. Report on funding for NextGen technology.
Sec. 320. Unmanned aerial systems.
Sec. 321. Surface Systems Program Office.
Sec. 322. Stakeholder coordination.
Sec. 323. FAA task force on air traffic control facility conditions.
Sec. 324. State ADS–B equipage bank pilot program.
Sec. 325. Implementation of Inspector General ATC recommendations.
Sec. 326. Semiannual report on status of Greener Skies project.
Sec. 327. Definitions.
Sec. 328. Financial incentives for Nextgen Equipage.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.
Sec. 402. Publication of customer service data and flight delay history.

Sec. 403. Expansion of DOT airline consumer complaint investigations.
Sec. 404. Establishment of advisory committee for aviation consumer protection.
Sec. 405. Disclosure of passenger fees.
Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.
Sec. 407. Notification requirements with respect to the sale of airline tickets.
Sec. 408. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.
Sec. 412. Extension of final order establishing mileage adjustment eligibility.
Sec. 413. EAS contract guidelines.
Sec. 414. Conversion of former EAS airports.
Sec. 415. EAS reform.
Sec. 416. Small community air service.
Sec. 417. EAS marketing.
Sec. 418. Rural aviation improvement.
Sec. 419. Repeal of essential air service local participation program.
Sec. 420. Limitation on essential air service to locations that are 90 or more miles away from the nearest medium or large hub airport.
Sec. 421. Limitation on essential air service to locations that average 10 or more enplanements per day.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.
Sec. 432. Contract tower program.
Sec. 433. Airfares for members of the Armed Forces.
Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Judicial review of denial of airman certificates.
Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 504. Design organization certificates.
Sec. 505. FAA access to criminal history records or database systems.
Sec. 506. Pilot fatigue.
Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
Sec. 508. Cabin crew communication.
Sec. 509. Clarification of memorandum of understanding with OSHA.
Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 511. Improved safety information.
Sec. 512. Voluntary disclosure reporting process improvements.
Sec. 513. Procedural improvements for inspections.
Sec. 514. Independent review of safety issues.
Sec. 515. National review team.
Sec. 516. FAA Academy improvements.
Sec. 517. Reduction of runway incursions and operational errors.
Sec. 518. Aviation safety whistleblower investigation office.
Sec. 519. Modification of customer service initiative.
Sec. 520. Headquarters review of air transportation oversight system database.
Sec. 521. Inspection of foreign repair stations.
Sec. 522. Non-certificated maintenance providers.
Sec. 523. Use of explosive pest control devices.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.
Sec. 552. Air carrier safety management systems.
Sec. 553. Secretary of Transportation responses to safety recommendations.
Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
Sec. 556. Flightcrew member mentoring, professional development, and leadership.
Sec. 557. Flightcrew member screening and qualifications.
Sec. 558. Prohibition on personal use of certain devices on flight deck.
Sec. 559. Safety inspections of regional air carriers.
Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
Sec. 561. Oversight of pilot training schools.
Sec. 562. Enhanced training for flight attendants and gate agents.
Sec. 563. Definitions.
Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of alternative fuel technology for civilian aircraft.
Sec. 604. Production of clean coal fuel technology for civilian aircraft.
Sec. 605. Research program to improve airfield pavements.
Sec. 606. Wake turbulence, volcanic ash, and weather research.
Sec. 607. Incorporation of unmanned aircraft systems into FAA plans and policies.
Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 609. Pilot program for zero emission airport vehicles.
Sec. 610. Reduction of emissions from airport power sources.
Sec. 611. Siting of windfarms near FAA navigational aides and other assets.
Sec. 612. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of Stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at Teterboro Airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Transporting musical instruments.
Sec. 714. Recycling plans for airports.
Sec. 715. Disadvantaged Business Enterprise Program adjustments.
Sec. 716. Front line manager staffing.
Sec. 717. Study of helicopter and fixed wing air ambulance services.
Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
Sec. 719. Study of aeronautical mobile telemetry.
Sec. 720. Flightcrew member pairing and crew resource management techniques.
Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
Sec. 722. Line check evaluations.
Sec. 723. Report on Newark Liberty Airport air traffic control tower.
Sec. 724. Priority review of construction projects in cold weather States.
Sec. 725. Air-rail codeshare study.
Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
Sec. 727. Study on aviation fuel prices.
Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
Sec. 731. Technical correction.
Sec. 732. Plan for flying scientific instruments on commercial flights.
Sec. 733. Prohibition against aiming a laser pointer at an aircraft.
Sec. 734. Criminal penalty for unauthorized recording or distribution of security screening images.
Sec. 735. Approval of applications for the security screening opt-out program.
Sec. 736. Conveyance of land to city of Mesquite, Nevada.
Sec. 737. Ronald Reagan Washington National Airport Slots.
Sec. 738. Orphan Earmarks Act.
Sec. 739. Privacy protections for aircraft passenger screening with advanced imaging technology.
Sec. 740. Controlling helicopter noise pollution in residential areas.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

Sec. 800. Amendment of 1986 code.
Sec. 801. Extension of taxes funding airport and airway trust fund.
Sec. 802. Extension of airport and airway trust fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation.
Sec. 804. Air traffic control system modernization account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small jet aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.
Sec. 808. Tax-exempt bond financing for fixed-wing emergency medical aircraft.
Sec. 809. Protection of Airport and Airway Trust Fund solvency.

Sec. 810. Rollover of amounts received in airline carrier bankruptcy.
Sec. 811. Application of levy to payments to Federal vendors relating to property.
Sec. 812. Modification of control definition for purposes of section 249.
TITLE IX—BUDGETARY EFFECTS
Sec. 901. Budgetary effects.
TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT
Sec. 1001. Definition.
Sec. 1002. Rescission.
Sec. 1003. Agency wide identification and reports.
TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS
Sec. 1101. Repeal of expansion of information reporting requirements.
TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS
Subtitle A—Emergency Medical Service Providers Protection
Sec. 1201. Dale Long Emergency Medical Service Providers Protection Act.
Subtitle B—Liability Protection
Sec. 1211. Short title.
Sec. 1212. Findings and purpose.
Sec. 1213. Liability protection for volunteer pilots that fly for public benefit.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,336,000,000 for fiscal year 2010; and

''(B) $9,620,000,000 for fiscal year 2011.''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $200,000,000 for fiscal year 2010.

''(2) $206,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010; and

''(2) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2010, $94,000,000; and

''(2) for fiscal year 2011, $98,000,000.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses''.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Adminstrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers

and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (l), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking ''(c)(2)'' in paragraph (2) and inserting ''(c)(3)''; and

(B) by striking ''October 1, 2009.'' in paragraph (7) and inserting ''the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''purpose;'' and inserting the following: ''purpose, which includes serving as noise buffer land that may be—

''(I) undeveloped; or

''(II) developed in a way that is compatible with using the land for noise buffering purposes;''; and

(ii) in subparagraph (B)(iii), by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.'';

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

''(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

''(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

''(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

''(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

''(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2010 and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.'';

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''; and

(3) by adding at the end the following:

''(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(3) by adding at the end the following:

''(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project.''.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

(2) by striking ''system in the particular area;'' in subsection (a)(1) and inserting ''system, including connection to the surface transportation network; and'';

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by inserting ''and'' after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2),

as redesignated, and inserting ''operations''; and

(8) by striking ''status of the'' in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.'';

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''; and

(4) by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated; and

''(4) the allocation of appropriations; and''.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking ''47102(3)(F),'' in subsection (a);

(2) by striking ''47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140'' in subsection (b) and inserting ''47102(3)(K) or 47102(3)(L)''; and

(3) by striking ''40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,'' in subsection (b) and inserting ''40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),''; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.''; and

(2) by adding at the end thereof the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E)(ii);

(2) by striking ''airport.'' in subparagraph (E)(iii) and inserting ''airport; and'';

(3) by adding at the end of subparagraph (E) the following:

''(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.'';

(4) in subparagraph (G)—

(A) by striking ''FISCAL YEAR 2006'' in the heading and inserting ''FISCAL YEARS 2008 THROUGH 2011'';

(B) by striking ''fiscal year 2006'' and inserting ''fiscal years 2008 through 2011'';

(C) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(D) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003;''; and

(5) by adding at the end thereof the following:

''(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.''.

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.''.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under

this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses operating in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SECTION 214. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

''(iv) the sponsor has an alternative funding source available to fund the project; and

''(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting ''AND ANY UNITED STATES TERRITORY'' after ''ALASKA'' in the subsection heading; and

(2) by adding at the end thereof the following:

''(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.''.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

(1) IN GENERAL.—In addition to any release granted under subsection (a), the Secretary of Transportation may, subject to paragraph (2), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30–82–0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in paragraph (1), the County shall receive an amount for the interest that is equal to the fair market value.

(B) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking ''one'' and inserting ''three'' in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;

(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.''.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term ''general aviation airport'' means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

''(A) the Administrator and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 6 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(v) 1 representative from an aircraft manufacturer.

''(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

''(i) 2 shall be appointed for terms of 1 year;

''(ii) 1 shall be appointed for a term of 2 years;

''(iii) 1 shall be appointed for a term of 3 years; and

''(iv) 1 shall be appointed for a term of 4 years.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually review and make recommendations on the NextGen Implementation Plan;

''(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

''(ix) approve the selection of the head of the Joint Planning and Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking ''without'' in the last sentence and inserting ''with or without''.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board; and''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) REALIGNMENT DEFINED.—In this section, the term ''realignment''—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''strategic and cross-agency'' after ''manage'' in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) ''The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.'';

(3) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

''(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

(5) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'' in subsection (b);

(6) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(7) by striking ''and'' after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(9) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(10) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(11) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(12) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;'';

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure, equipment,'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment, and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and

Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.''.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as ''qualified third parties'') that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipage to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipage.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) IMPLEMENTATION SCHEDULE.—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS–B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of

aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;

(B) a transition plan for ADS–B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS–B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS–B and provide an explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—

(i) identify the ADS–B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.

(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS–B TECHNOLOGY.—

(1) ADS–B OUT.—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) ADS–B IN.—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in

the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head

of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS–B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress,

the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter

into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

''(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

''(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

''(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

''(A) adequate food and potable water;

''(B) adequate restroom facilities;

''(C) cabin ventilation and comfortable cabin temperatures; and

''(D) access to necessary medical treatment.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

''(B) DELAYS.—

''(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

''(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

''(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

''(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

''(iii) EXCEPTIONS.—This subparagraph shall not apply if—

''(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

''(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

''(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

''(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

''(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

''(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

''(g) APPROVAL.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

''(A) review the initial contingency plans submitted under subsection (b); and

''(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

''(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

''(A) review the plan; and

''(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

''(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

''(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

''(1) including the plan on the Internet Web site of the carrier or airport; or

''(2) disseminating the plan by other means, as determined by the Secretary.

''§ 41782. Air passenger complaints hotline and information

''(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''41781. Air carrier and airport contingency plans for long on-board tarmac delays

''41782. Air passenger complaints hotline and information''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

''(3) DEFINITIONS.—In this subsection:

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of

Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

''(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

''(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

''(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

''(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

''(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

''(B) any fees for baggage, seating assignments; and

''(C) operational services that are charged when the ticket is purchased.''.

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2013.''.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended to read as follows:

''§ 41745. Conversion of lost eligibility airports

''(a) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(b) GRANTS.—A grant under this section—

''(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(2) may be used—

''(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(B) to defray operating expenses, if such use is approved by the Secretary; or

''(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(c) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

''(d) LIMITATION.—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

''417454. Conversion of lost eligibility airports.''.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$150,000,000''.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking ''is appropriated'' and inserting ''are appropriated''; and

(2) by striking ''2009'' and inserting ''2011''.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

''§ 41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service''.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

''(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2011''.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) is located not less than 90 miles from the nearest medium or large hub airport.''.

(6) The Secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.''.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

''(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.''.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees'' ;

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102 of this title)''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.''.

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at 20 percent.''.

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by striking ''2007'' and inserting ''2007, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.''.

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB daynight annual average noise level (DNL), as identified in the Noise Exposure Map Notice

published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems''.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator

of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as ''customers'';

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

''(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

''(3) describe the training provided to inspectors; and

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

''(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

''(f) DEFINITIONS.—In this section:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44730. Inspection of foreign repair stations''.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration's advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120–66 and AC No. 120–82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and

(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.—

(1) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') shall require a detailed inspection of each emergency locator transmitter (referred to in this section as ''ELT'') installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer's specifications.

(2) MOUNTING AND RETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) REVISION.—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) REPORT.—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) MINIMUM EXPERIENCE REQUIREMENT.—

(1) IN GENERAL.—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) DEFAULT REQUIREMENTS.—If the Administrator fails to meet the deadline established by subsection (c))(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) DEFINITIONS.—In this section:

(1) FLIGHTCREW MEMBER.—The term ''flightcrew member'' has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1)).

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

''§ 44731. Use of certain devices on flight deck

''(a) IN GENERAL.—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—The term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44730 of this title or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44731. Use of certain devices on flight deck''.

(d) REGULATIONS.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

"§ 44732. Training of flight attendants and gate agents

"(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

"(1) serving alcohol to passengers;

"(2) recognizing intoxicated passengers; and

"(3) dealing with disruptive passengers.

"(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

"(c) DEFINITIONS.—In this section:

"(1) AIR CARRIER.—The term 'air carrier' means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

"(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given the term in section 44728(f).

"(3) GATE AGENT.—The term 'gate agent' means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

"(4) PASSENGER.—The term 'passenger' means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

"44732. Training of flight attendants and gate agents".

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term "Aviation Safety Action Program" means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator.

(3) AIR CARRIER.—The term "air carrier" has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term "FAA" means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term "Flight Operational Quality Assurance Program" means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term "Line Operations Safety Audit Program" has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking "establish a 4-year pilot" in paragraph (1) and inserting "maintain an"; and

(2) by inserting "pilot" in paragraph (4) before "program" the first time it appears; and

(3) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program." in paragraph (4) and inserting "program.".

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under

section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(7);

(C) by striking ''emitted.'' in subsection (b)(8) and inserting ''emitted; and''; and

(D) by adding at the end of subsection (b) the following:

''(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation

and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91–57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as nonstandard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year ''roadmap'' for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the ''roadmap'' annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA–2006–25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies,, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term ''model aircraft'' means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

(h) DEFINTIONS.—In this section:

(1) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

''§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy

efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term ''critical FAA facilities'' means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term ''wind farm'' means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 612. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are as necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''December 31, 2013.'' and inserting ''October 1, 2017.''.

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2011,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2011,''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2009,'' and inserting ''2011,''.

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''2009,'' and inserting ''2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight

Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''section 2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''sections 2301 and 2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H);

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan;'';

(4) by adding at the end of paragraph (2) the following:

''(J) section 5596, relating to back pay; and

''(K) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking '', in cooperation with'' and inserting ''and''; and

(bb) by striking ''The air tour'' and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

''(B) PROCESS AND APPROVAL.—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

''(i) developed through a public process that complies with paragraph (4); and

''(ii) approved by the Administrator and the Director.''; and

(IV) by adding at the end the following:

''(D) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.''; and

(ii) in paragraph (4)(C), by striking ''National Park Service'' and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by striking ''47528–47531'' and inserting ''47528 through 47531 or 47534''.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2014.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under

section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

''(C) the instrument can be secured by a seat belt to avoid shifting during flight;

''(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

''(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

''(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

''(B) the weight of the instrument does not exceed 165 pounds.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

''41724. Musical instruments''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking ''planning.'' and inserting ''planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' in paragraph (4);

(2) by striking ''proposed.'' in paragraph (5) and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts;

''(E) the potential for cost savings or the generation of revenue; and

''(F) training and education requirements.''.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) IN GENERAL.—Section 49108 is repealed.

(b) CONFORMING REPEAL.—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall

submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) CODESHARE STUDY.—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Clark County, Nevada.

(2) PUBLIC LAND.—The term ''public land'' means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE ¼ and the N ½ of the SE ¼ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE ¼ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen,

nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM–D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) PLAN DEVELOPMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 39A. Aiming a laser pointer at an aircraft

''(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

''(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

''(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

''(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

''(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

''(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

''39A. Aiming a laser pointer at an aircraft.''.

SEC. 734. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

''CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

''Sec.

''2731. Criminal penalty for unauthorized recording and distribution of security screening images.

''SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

''(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

''(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

''(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

''(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

''(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term 'advanced imaging technology'—

''(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing;

''(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'; and

''(3) does not include a device equipped with software that produces a generic representation of the human form instead of a visual image of an individual.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

''124. Unauthorized recording and distribution of security screening images ..... 2731''.

SEC. 735. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended to read as follows:

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary may approve the application.

''(2) RECONSIDERATION OF REJECTED APPLICATIONS.—Not later than 30 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Under Secretary shall reconsider and approve any application to have the screening of passengers and property at an airport carried out by the screening personnel of a qualified private screening company that was submitted under subsection (a) and was pending on any day between January 1, 2011, and February 3, 2011, if Under Secretary determines that the application demonstrates that having the screening of passengers and property carried out by such screening personnel will provide security that is equal to or greater than the level

that would be provided by Federal Government personnel.

''(3) REPORT.—If the Under Secretary denies an application submitted under subsection (a), the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reason for the denial of the application.''.

SEC. 736. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) DEFINITIONS.—

(1) CITY.—The term ''city'' means the city of Mesquite, Nevada.

(2) MAP.—The term ''map'' means the map entitled ''Mesquite Airport Conveyance'' and dated February 6, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) CONVEYANCE OF LAND TO CITY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the city, without consideration, all right, title, and interest of the United States in and to the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as ''Remnant Parcel''.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) MINOR ERRORS.—The Secretary may correct any minor error in—

(i) the map; or

(ii) the legal description.

(C) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) COSTS.—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) WITHDRAWAL.—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

(A) location, entry, and patent under the public land mining laws; and

(B) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(6) REVERSION.—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99–548 (100 Stat. 3061), the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 737. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(D) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(E) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary—

''(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

''(2) shall afford a scheduling priority to slots currently held by limited incumbent

air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

SEC. 738. ORPHAN EARMARKS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Orphan Earmarks Act''.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term ''earmark'' means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

SEC. 739. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

''(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SEC. 740. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

Section 44715 is amended by adding at the end the following:

''(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

''(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

''(A) standards to measure helicopter noise; and

''(B) regulations to control helicopter noise pollution in residential areas.

''(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

''(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

''(ii) penalties for failing to comply with the requirements described in clause (i).

''(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

''(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.''.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2011'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2011'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Paragraph (2) of section 4081(d) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking ''(4)(C) or (5)'' and inserting ''(4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(C) Subsection (l) of section 6427 is amended by striking ''DIESEL FUEL AND KEROSENE'' in the heading and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Paragraph (1) of section 6427(l) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(5),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term ''aviation-grade kerosene'' means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting ''or when such aircraft is a turbine engine powered aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: ''Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

SEC. 810. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. 811. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 812. MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.

(a) IN GENERAL.—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking '', or a corporation in control of, or controlled by,'' and inserting '', or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as''.

(b) CONFORMING AMENDMENT.—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''subsection (a)—'' and all that follows through ''The adjusted issue price'' and inserting ''subsection (a), the adjusted issue price'', and

(2) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $44,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and

amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

SUBTITLE A—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION

SEC. 1201. DALE LONG EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT.

(a) SHORT TITLE.—This subtitle may be cited as the ''Dale Long Emergency Medical Service Providers Protection Act''.

(b) ELIGIBILITY.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a pre-hospital emergency medical response agency;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.''.

(c) OFFSET.—Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, $13,000,000 are permanently cancelled.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply only to injuries sustained on or after June 1, 2009.

SUBTITLE B—LIABILITY PROTECTION

SEC. 1211. SHORT TITLE.

This subtitle may be cited as the ''Volunteer Pilot Protection Act of 2011''.

SEC. 1212. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In calendar year 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) PURPOSE.—The purpose of this title is to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. 1213. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended in subsection (a)(4)—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(3) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, and for humanitarian and charitable purposes; and

''(ii) was properly licensed and insured for the operation of such aircraft.''.

REDUCING FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 11, H.R. 359, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 11, H.R. 359, an act to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns and party conventions.

Harry Reid, Daniel K. Inouye, Jeff Bingaman, Tom Udall, Kent Conrad, Patrick J. Leahy, Benjamin L. Cardin, Carl Levin, Jack Reed, Kay R. Hagan, Mark R. Warner, Richard J. Durbin, Jeff Merkley, Mark Begich, Al Franken, Bill Nelson, Charles E. Schumer.

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

Mr. REID. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

RECOGNIZING WOMEN SERVING IN THE UNITED STATES ARMED FORCES

Mr. REID. I ask unanimous consent the Senate proceed to S. Con. Res. 8.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) recognizing women serving in the United States Armed Forces.

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

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

Mr. President, before you rule on this, last week they had a very good series on National Public Radio about women in the military. It was really wonderful. It was so full of information. They talked about a woman who had served in the military in World War II. They had a general, a woman, the first four star general to be a woman. The show had a woman who had been in the military in the 1980s and a daughter who is a graduate from West Point now, going to medical school as a result of her military service. It was really terrific.

Of course, the issue the Pentagon is working through, and it is quite difficult, is combat for women. They had one woman there on this program who was awarded the Silver Star for her gallant actions, her heroic actions. She was part of a caravan. It was attacked and she was the hero of the battle. The shooting went on for 45 minutes.

I am very happy to be reading this into the RECORD. I ask the Chair to rule that this is without objection because it certainly is the right thing to do, to recognize women serving in the U.S. Armed Forces.

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

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas women have served with distinction in the United States Armed Forces since the American Revolution and have made significant and lasting contributions to the security of the United States;

Whereas in 2011, women comprise nearly 16 percent of the United States Armed Forces and serve in positions of responsibility in the active and reserve components of the Army, Marine Corps, Navy, Air Force, and Coast Guard, as compared with less than 5 percent in 1976 when women were first integrated into the service academies;

Whereas women serve at the highest levels in the Department of Defense and other governmental organizations contributing to the defense of the United States; and

Whereas the accomplishments of generations of women have contributed to the history of the United States Armed Forces and to the strength of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of women to national defense throughout the history of the United States; and

(2) encourages the people of the United States to honor women who have served and who continue to serve the United States in the United States Armed Forces.

MEASURE READ THE FIRST TIME—H.R. 1

Mr. REID. There is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (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, and for other purposes.

Mr. REID. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive the second reading on the next legislative day.

MEASURE DISCHARGED AND PLACED ON CALENDAR—S. RES. 70

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 70, and the resolution be placed on the calendar.

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

ORDERS FOR TUESDAY, MARCH 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, March 1; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; further that the Senate recess from 12:30 to 2:15 to allow for the weekly party caucus lunches; finally, following morning business, the Senate resume consideration of the Patent Reform Act of 2011.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect rollcall votes to occur throughout the day in relation to amendments to the patent reform bill. It is a very important piece of legislation. We waited for years to get this on the floor of the Senate. If Senators have amendments, they should move them quickly because we hope to finish this bill very quickly.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order and under the provisions of S. Res. 78 as a further mark of respect to the late former Senator James McClure.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, March 1, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

CARL SHAPIRO, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE CECILIA ELENA ROUSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID LEWIS BUTTRICK
ALAN CHOUEST
HENRY E. CLOSE III
CALVIN D. DIXON
CLYDE DYSON
THOMAS J. ELBERT, JR.
RANDALL W. ERWIN
RICHARD FITZGERALD
BRYAN S. HOCHHALTER
JOHN P. KENYON
BOYD C. SHORT, JR.
JOHN F. TILLERY
ROBERT D. WARD
THEADORE L. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARTIN D. ADAMSON
JAMES B. ANDERSON
MARTIN R. BOOTH
ROBERT E. BORGER
WILLIAM J. BRASWELL
BRIAN K. CLOUSE
GARY A. COBURN
DARREN B. DUNCAN
ELBERT A. FADALLAN
LANCE K. GIANNONE
DAVID B. KRUSE
MARSHALL E. MACCLELLAN
SHAWN L. MENCHION
ROBERT J. MONAGLE
ERIK W. NELSON
RONALD R. RAGON
STEVEN R. RICHARDSON
JOHN G. SACKETT
HERBERT C. SHAO
JOHN MARION VON ALMEN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAUL L. ROBSON

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

BRIAN M. BOYCE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAN I. MABY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

JASON K. BURGMAN
CODY D. WHITTINGTON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LEE A. BURNETT
ANTHONY J. CANFIELD
JOHN M. GRAY

To be major

ROBERT A. MARSH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH P. DONNELLY
JEFF L. FISHER
RODNEY B. PAINTING
STEPHEN M. POTTER
BRUCE D. REED
RICHARD J. VANARNAM, JR.

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

KEVIN J. MCCANN
JAMES A. SEVERNSON

To be major

RANDY R. COTE
TODD O. COULSON
QUINCY A. GAINES
MELVIN R. HEMPSTEAD
FRED W. MILLER
ANTHONY NELSON
ERIC C. POSERN
MATTHEW R. PROVOST
WILSON R. STERLING
GORDON E. VINCENT

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

JOHN S. KUTTAS

To be lieutenant colonel

JOHN D. JASINSKI

To be major

CHRISTOPHER T. ALLEN
JENINE A. BETSCHART
JOHN W. BLACK
KEVIN T. BLACK
BRADLEY A. CARLSON
DALE B. COPARANIS
SCOTT F. DREIBELBIS
PAUL G. HARRELL
JONATHAN S. HEDGE
DESIREE J. LEDAN
TINA M. SCHOENBERGER
CONRAD A. SCHUPAY
WESLEY G. WHITE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DOUGLAS L. EDSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DANIEL A. FREILICH

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 28, 2011:

THE JUDICIARY

AMY TOTENBERG, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

STEVE C. JONES, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

EXTENSIONS OF REMARKS

ANNOUNCEMENT OF THE 2011 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. BOEHNER. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany for ten days from June 24–July 3 of this year. During this ten-day exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies.

A comparable delegation of German staff members will visit the United States for ten days April 30–May 8 of this year. They will attend similar meetings here in Washington. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HC–4, the Capitol, by 5 p.m. on Friday, March 18, 2011.

HONORING DAVID W. GORMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. VAN HOLLEN. Mr. Speaker, I stand today to recognize the outstanding career and accomplishments of my constituent, David W. Gorman. A Vietnam veteran, Mr. Gorman will be remembered as one of the premiere veterans' advocates in American history. On July 1, 2011, he will be retiring as the Executive Director of National Service and Legislative Headquarters of the Disabled American Veterans after four decades of dedicated service.

Mr. Gorman entered the U.S. Army in 1969 and served in the famed "Sky Soldiers" of the 173rd Airborne Brigade during the Vietnam War. After sustaining severe combat injuries that required the amputation of both legs, Mr. Gorman dedicated himself to improving the treatment and welfare of America's veterans and joined the Disabled American Veterans organization.

Mr. Gorman, a life member of the DAV's National Amputation Chapter 76 and Chapter 4, in Wheaton, Maryland, began his professional career with the DAV as a National Service Officer at the Boston National Service Office in 1971. In the years that followed, Mr. Gorman became a venerable ally of American veterans, representing their claims before the Veterans Administration Board of Veterans Appeals. He earned a reputation as one of the nation's foremost experts regarding the VA's complex array of services and programs. Indeed, the DAV's key legislative accomplishments of recent years are largely due to the expertise and diligence of Mr. Gorman and his team.

In 1995, Mr. Gorman was appointed Executive Director of National Service and Legislative Headquarters, a position he has held for over 15 years. As Executive Director, he was the DAV's principal representative and spokesman before Congress, the White House, and the U.S. Department of Veterans Affairs. His legacy includes his efforts to reform veterans' health care and his contributions to the enactment of the Veterans Health Care Budget Reform and Transparency Act of 2009 and the Caregiver and Veterans Omnibus Health Services Act of 2010.

Mr. Speaker, I congratulate Mr. Gorman on his outstanding accomplishments and thank him for his devoted service to our country and our veterans. I wish him a rewarding and enjoyable retirement with his wife, Paula, his five children and six grandchildren.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes.

Mr. CUMMINGS. Mr. Chair, I rise in strong opposition to the amendment offered by Mr. GOODLATTE, which would prohibit the use of funds made available by this Act to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation of these TMDLs for the Chesapeake Bay Watershed.

As the Representative of Maryland's 7th Congressional District, I was proud to have worked closely with Maryland Senator BEN CARDIN during the last Congress to lead the effort to reauthorize the Chesapeake Bay Program and to instill innovative new approaches into the program that will finally lead to the true restoration of the Chesapeake Bay.

Unfortunately, we were unable to enact that legislation during the last Congress—but the effort to create a Chesapeake Bay program that supports effective clean-up of the Bay will continue.

Fortunately, a number of other processes are already underway that will expand and strengthen the effort to clean up the Chesapeake Bay.

President Obama issued an executive order to guide a renewed and reinvigorated federal clean-up effort shortly after taking office.

And critically, on December 29, 2010, the long-awaited Total Maximum Daily Loads, TMDL, were issued for the Bay—and the watershed states are now developing their Watershed Implementation Plans, WIP.

The TMDLs established for the Chesapeake Bay are specifically required under the federal Clean Water Act. Their development is also consistent with consent decrees in Virginia and the District of Columbia from the late 1990s.

According to the Environmental Protection Agency, the TMDLs set Bay watershed limits of 185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year—limits that would achieve a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus, and 20 percent reduction in sediment flowing into the Bay.

The TMDLs are tough—but they are realistic about the reductions in pollution we need throughout the 64,000-square-mile watershed to restore the Bay's health.

Over the past decades, the effort to restore the Chesapeake Bay has been largely based on voluntary agreements within and among the states.

Recent assessments of the Bay show us that the pledging of earnest promises, the utterance of heart-felt slogans, and the signing of agreements enforced only by good will have achieved water quality in the Bay that is still rated "very poor"—even though billions of dollars have been spent in support of these promises.

If we are serious about cleaning up the Bay, we must implement the TMDLs—and the EPA must be fair but insistent in applying these requirements.

It is therefore essential that the TMDL process get off to a fast, efficient, and effective start.

Eliminating funding for the enforcement of the TMDLs is tantamount to arguing that we should continue to allow the Chesapeake Bay to be a sewer—where pollutants running out of storm drains and waste treatment plants, from overly fertilized front yards, and off farm fields collect and create "dead zones" where life cannot be sustained.

The Virginia Institute of Marine Science has estimated that 40 percent of the jobs in Maryland and Virginia associated with crabbing were eliminated between 1998 and 2006—an outcome resulting from the decimation of the crab population due to the pollution accumulating in the Bay.

In the face of such losses, a vote against enforcement of the TMDL is a vote that says job losses are acceptable—and that though options are available to restore the Bay, a polluted Bay is good enough.

I urge my colleagues to reject this position by voting against this amendment and in favor of a robust effort to clean the Chesapeake Bay.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Mr. CUMMINGS. Mr. Chair, I oppose the continuing resolution put before us by the Republican leadership, which proposes to cut $100 billion in spending below the funding levels President Obama requested in his budget for fiscal year 2011.

According to a summary developed by the House Appropriations Committee, these cuts are "a massive down payment on the new Republican majority's commitment to drastically decrease discretionary funding in order to help our economy thrive and spur job creation."

Sadly, there does not appear to be any accompanying material that specifies exactly how cutting funds from programs that make essential investments in our communities and in our Nation's infrastructure will spur economic growth. Specifically, I would like to know how many jobs will be created by cutting $581 million from state and local law enforcement assistance or by cutting billions in funding for the high speed rail program.

I would also like to know how cutting hundreds of millions of dollars from each of the HUD community development fund, the clean water and drinking water state revolving funds, or from transit capital investment grants will support job creation.

Frankly, I don't believe these cuts will create any jobs—nor do I believe they will support the economic growth that will move our country out of the recession created by an appalling combination of regulatory failure and corporate recklessness.

Mr. Chair, while I agree that the current deficit is not sustainable, we are also not going to create jobs by cutting aid programs for the poor.

According to an October 2010 report released by the Congressional Research Service, 3.7 million more persons fell below the poverty line in 2009 compared to the number below the poverty line in 2008. These 3.7 million people were pushed into poverty by a recession they did not create.

As a result, in 2009, a total of 43.6 million persons had incomes below the poverty line—more than at any time since we began tracking this measure in 1959.

Within that figure, 1 in every 5 children in this country lived in poverty in this Nation in 2009.

These figures can only be described as appalling.

And yet we are told that cutting billions from job training programs, cutting a billion dollars from community health centers, cutting a billion from Head Start, and cutting $747 million from nutritional programs for mothers and infants will help eliminate our $14 trillion dollar national debt and will also "help our economy thrive and spur job creation."

Mr. Chair, these cuts will not contribute to a thriving economy or create a single job—but they will take essential aid from the millions in our Nation who have the least.

If we are serious about cutting our debt, we must understand what has created that debt.

Poor people did not create this debt.

However, an analysis developed by the Center on Budget and Policy Priorities in mid–2010 found that "just two policies dating from the Bush Administration—tax cuts and the wars in Iraq and Afghanistan—accounted for over $500 billion of the deficit in 2009 and will account for almost $7 trillion in deficits in 2009 through 2019, including the associated debt-service costs."

Despite the central role that tax cuts for the wealthy have had in increasing national debt, Congress voted just a few months ago to extend the Bush-era tax cuts, adding billions more to the national debt, including more than $80 billion for the tax cuts provided to the highest 2 percent of earners.

Given this choice, it should not come as a surprise that our national debt is continuing to grow.

Since we appear to be unable to consider serious proposals that will cut the deficit while truly supporting economic recovery, I urge my colleagues to vote against this amendment and to vote no on the continuing resolution.

IN HONOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. FARR. Mr. Speaker, I rise today in strong support for reinstating funding for the Corporation for National and Community Service. Following the recent votes on the House floor, I urge my colleagues to recognize volunteerism as a historic and valued tradition, and we cannot close the door on millions of Americans who want to serve their country.

As a Returned Peace Corps Volunteer, I know firsthand the expansive value of service. America has an unparalleled history of extending a helping hand to lift up our neighbors in times of need. Now more than ever, we must rebuild our country and strengthen our national spirit through service in our communities.

The Corporation for National and Community Service is one of our country's finest expressions of volunteerism. Through programs like AmeriCorps, Senior Corps, and Learn and Serve America, CNCS creates important opportunities for Americans of all walks of life to offer their brains, brawn, and heart in service to others. I am proud to say that there are 1,117 folks from my district currently serving in CNCS programs. And they are part of a five-million strong corps of volunteers across the country who are dedicating part of their lives to meet our nation's critical needs in education, health, safety, and the environment.

CNCS exemplifies the best of what America has to offer. Senior Corps volunteers have given over 1 billion hours of service as foster grandparents for at-risk youth and companions to the elderly. More than 400,000 Americans have served in AmeriCorps on critical projects ranging from Hurricane Katrina and Deepwater Horizon disaster relief to homelessness and neighborhood revitalization around the country. And well over 1 million high school students have experienced the power of civic engagement through participating in Learn and Serve programs. CNCS' work touches public agencies, schools, national and local non-profits, and faith-based organizations.

Yet despite the critical mass of people wanting to serve and the widespread need for service, my colleagues have chosen to eliminate CNCS from our national budget. This dissonance between supply and demand makes absolutely no sense. For the sake of saving .03% of our total federal budget, my colleagues have taken away the ability for millions of Americans to help their fellow citizens.

Mr. Speaker, I honor the service of my constituents on the Central Coast and Americans across the country. I reject this legislation and will fight to restore robust funding so that we can continue our noble legacy of service to those in need for this and future generations.

IN HONOR AND RECOGNITION OF THE PARMA HOSPITAL ACUTE REHABILITATION CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Parma Hospital Acute Rehabilitation Center, a multifaceted medical center that provides the people of Northeast Ohio with comprehensive physical and cognitive rehabilitation of excellent quality.

The staff at Parma Hospital Acute Rehabilitation Center consists of nurses, social workers, dietitians, pharmacists, psychologists/neuropsychologists and physical, occupational and speech therapists. These professionals work together to create individualized treatment plans for each patient they treat. The Center is accredited by the Commission on Accreditation of Rehabilitation (CARF) and consistently exceeds national averages with outstanding outcomes for patients undergoing joint replacement, total knee replacement and hip fracture repair. The Center has also been recognized for its exceptional work with stroke patients.

Mr. Speaker and colleagues, the Parma Hospital Acute Rehabilitation Center is an invaluable resource for patients in Northeast Ohio. Its individualized approach, cooperation with patients' families, and dedication to returning all patients to independent living at the highest possible level of functioning make the Center an excellent source of quality health care for the people of its community.

TRIBUTE TO THE HONORABLE VANESSA L. GIBSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to recognize a lawmaker from the Bronx whom I admire greatly, the Honorable Vanessa L. Gibson.

Vanessa is a lifelong resident of New York City and a product of its public school system. She graduated from Murray Bergtraum High School for Business Careers in 1997 before enrolling in the State University of Albany, where she obtained her Bachelor's Degree in Sociology in 2001. During her senior year as an undergraduate, Vanessa was offered an internship with Assemblywoman Aurelia Greene, a Democrat from the Bronx who would become Vanessa's most trusted friend and mentor.

Vanessa worked for Assemblywoman Greene in every capacity; learning the processes of public service from one of the ablest and most respected lawmakers in the state. Vanessa first served as Assemblywoman Greene's Legislative Analyst, with responsibilities that included drafting policies to meet the needs of residents of the 77th Assembly District. She worked with community based organizations and diverse constituencies to promote laws that offered greater protections for renters and people on Section 8, and improved educational opportunities for young people from the Bronx. In 2003, Vanessa was promoted to Bronx Office District Manager, which increased not only her responsibilities but also her prominence within the community. She became the principal liaison to Community Boards 4 and 5, in addition to Secretary of the Bronx Unity Democratic Club.

In May 2009, Vanessa received her Master's Degree in Public Administration from Baruch College, part of the City University of New York, CUNY. Later that year, with support from across the state, Vanessa ran for public office and was elected to a seat in the New York State Assembly, representing the people of the 77th District, who after nearly a decade of service had come to know and respect and trust Vanessa's judgment.

Mr. Speaker, Vanessa L. Gibson earned her public profile through loyalty, hard work, but above all, on the power of her considerable gifts. Her youth and talent have led many to regard her as one for New York's future; but this should not outshine the fact that Vanessa is also one for New York's present. She is among the most promising in a new wave of elected officials in this country; women and men who learned government from the inside and took away its best lessons; lessons of respect for ethics; of honesty in public dealings; and of fidelity to the best interests of one's constituents. Mr. Speaker, I ask that my colleagues join me in recognizing a hugely gifted woman, and someone who carries with her the hopes of thousands of New Yorkers, including myself, The Honorable Vanessa L. Gibson.

TRIBUTE TO MARY ANN SUDOVAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention an outstanding individual and a source of inspiration to many, Mrs. Mary Anne Sudovar, who celebrated her 100th birthday on September 18, 2010.

Born in Shelton, CT, in 1910 as Mary Anne Sullivan, she is the oldest of nine children. As a result of her father's job as a construction foreman in the 1920's, Mary's family was forced to relocate frequently. Consequently, they lived in Massachusetts, North and South Carolina, Virginia, and New Jersey in addition to Connecticut.

Mary's propensity to travel extended outside the United States as well. During her lifetime she has visited France, Egypt, Israel, Rome, and Scotland.

In 1938, Mary was wed to Stephen Sudovar (d. 1998) of Garfield, NJ. Shortly afterwards, the couple moved to Wayne, NJ, where they began to build a life together. Mary and Steve had four children: Marianne, Kathleen, Stephen, and Barbara. Mary has 16 grandchildren and is fortunate enough to also enjoy 16 great-grandchildren with one more on the way.

Mary recalls some of her fondest memories over the past century: walking around Packanack Lake, dancing the Polka with her husband, Steve, storytelling, and relaxing on cool summer evenings.

Today, Mary continues to be the life of the party and constantly has visitors. She serves as a source of inspiration to her soon-to-be 37 person family with her beautiful smile, encouraging words, and upbeat attitude. When asked about the secrets to a long and healthy life, Mary quickly declared, ''Hard work and always managing to smile— regardless of the situation.''

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing outstanding members of the community like Anne Mary Sudovar.

Mr. Speaker, I ask that you join our colleagues, Mary's family and friends, the residents of Wayne, NJ, and me in congratulating Mary on her 100th birthday.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district because of the illness and subsequent death of my sister. Had I been present, I would have voted ''aye'' on rollcall No. 95, 114 and 146 and ''nay'' on rollcall No. 93, 94, 96–113, 115–145, 147.

IN REMEMBRANCE OF RICHARD DISTELHORST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Richard Distelhorst, a man who devoted himself to the well being of his community and the nation.

Richard was born on August 24th, 1921 to his loving parents Oscar and Esther Distelhorst. He graduated from Burlington High School in 1939. After graduating he met the love of his life, Virginia. The two married in 1944 and celebrated 60 years together before Virginia's death in 2004. As a young man Richard enlisted in the Marine Corps and served as a master sergeant in the South Pacific during World War II.

His service and devotion to his local community will be remembered by those who knew him. He was a member of his local Kiwanis Club, a grand knight of the Knights of Columbus and chairman of the local Service Corps of Retired Executives. He also dedicated his time to the Burlington Alliance for Citizen Action.

Richard also possessed a passion for politics. He volunteered countless hours for local grass roots political action. He was an active member of the Des Moines County Democrats and was eventually awarded for his service to them by being inducted in the Des Moines county Democrats Hall of Fame in 2006. He worked tirelessly organizing peace rallies, educating the community about pertinent political issues and assisted with the 2004 Kucinich for President Campaign. Additionally, Richard was an active member and senior advisor of the American Monetary Institute (AMI). The director and co-founder of the AMI referred to Richard as one of ''the most knowledgeable Americans regarding the workings of the Federal Reserve system.''

Mr. Speaker and colleagues, please rise with me today in honor and remembrance of a passionate and unwavering individual. Richard will forever be remembered for the hard work and dedication that he committed. I extend my sincerest condolences to his son Daniel and his daughter Rita.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Ms. MCCOLLUM. Mr. Chair, I rise in opposition to H.R. 1—legislation introduced by the House Republican majority that would cut over $60 billion in essential funding to America's communities without making a significant impact on this year's federal deficit.

The number one priority for Congress is to keep America's economic recovery moving forward by creating jobs today and building a foundation for sustained, long-term growth. This will require strategic investments by the federal government in education, infrastructure, research and other areas that promote innovation and enable America to compete in the global economy. Tackling rising federal deficits are also part of the broader economic challenge. Federal deficits must be reduced with ''smart cuts'' to outdated or unnecessary federal programs including taxpayer-sponsorship of NASCAR, duplicative weapons programs at the Pentagon, and broadcasting to Cuba that never reaches its intended audience. I offered amendments to H.R. 1 to make some of these ''smart cuts.'' Unfortunately, my Republican colleagues voted to protect taxpayer subsidies for NASCAR and instead slashed funding to homeless veterans, heating assistance for the poor, neighborhood schools, road and bridge repair, and hundreds of other critical community investments.

Because H.R. 1 undermines vital services and key long-term investments, professional economists believe the bill will put America's fragile economic recovery at risk. The Economic Policy Institute estimates that enactment of H.R. 1 would result in the destruction of 800,000 jobs nationwide. This week, Goldman Sachs economic forecaster Alec Phillips concluded that the Republicans' budget plan could slow economic growth by up to 2 percent.

If my Republican colleagues were serious about deficit reduction they would support amendments like mine to reduce wasteful programs wherever they occur in the federal government—including the Pentagon. They would end their political fixation on ''earmarks'' in annual spending bills that totaled $16 billion last year and instead focus on special interest earmarks in the tax code that cost the government more than $1 trillion in revenue every year. And if Republicans in Congress really wanted to reduce federal deficits they would not have voted in December 2010 for a bloated $858 billion tax cut package that included $140 billion in tax cuts for the richest 2 percent of Americans—every cent of this package was borrowed and added to federal deficits. I believe it is wrong to ask middle class families to sacrifice the quality of their schools, roads and health clinics so the richest Americans receive a tax cut they do not need.

America's economy recovery and serious federal budget challenges require difficult choices in federal spending and taxation. But difficult choices can be made without threatening economic recovery or undermining the future competitiveness of our nation.

I urge my colleagues to join me in rejecting H.R. 1 and instead, get to work on a budget that will create jobs and lead to renewed economic growth. I was unavailable to vote the following amendments to H.R. 1 because of a longstanding obligation with the Pentagon's National Defense University in the Middle East.

Representative MCCOLLUM (MN) Amendment No. 50: Prohibits funds from being used for the Department of Defense to sponsor NASCAR race cars. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 50.

Representative NADLER (NY)/Representative LEE (CA)/Representative STARK (CA) Amendment No. 232: Would limit funds for military operations in Afghanistan to $10 billion. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 232.

Representative KLINE (MN) Amendment No. 214: Prohibits funds from being used to implement regulations on ''Program Integrity: Gainful Employment—New Programs'' published by the Department of Education. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 214.

Representative PENCE (IN) Amendment No. 11: Prohibits any federal funds from being used by Planned Parenthood Federation of America, Inc. Planned Parenthood is already prevented by federal law from using federal dollars for abortion services. This amendment takes away the money they use to provide for family planning, birth control, medical and preventive services. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 11.

Representative YOUNG (AK) Amendment No. 533: Would block the Environmental Appeals Board from reviewing air pollution permits related to drilling in the Arctic Ocean. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 533.

Representative NADLER (NY)/Representative CONYERS (MI)/Representative PAUL (TX)/Representative JONES (NC) Amendment No. 524: Prohibits funds to make a FISA application for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 524.

Representative POE (TX) Amendment No. 466: Prohibits funds from being used by EPA to implement and enforce any requirements or issue permits for stationary source emissions of six pollutants that cause smog and global warming. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 466.

Representative REHBERG (MT) Amendment No. 575: Prohibits any funds from being paid to any employee, officer, contractor, or grantee of any department or agency funded by the Labor, Health and Human Services, Education, and related agencies to implement the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 575.

Representative KING (IA) Amendment No. 267: Prohibits any funds from being used to implement any provision of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 267.

Representative KING (IA) Amendment No. 268: Prohibits any funds from being used to pay the salary of employees of any Federal department or agency with respect to implementing any provision of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 268.

Representative EMERSON (MO) Amendment No. 83: Prohibits funds from being used for enforcement of the individual mandate. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 83.

Representative KIND (WI) Amendment No. 89: Prohibits a $147 million payment to the Brazil Cotton Institute for Brazilian farmers, part of an Administration-brokered settlement to avoid retaliation by Brazil pursuant to a WTO ruling in Brazil's favor. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 89.

Representative KIND (WI) Amendment No. 88: Prohibits funds to be used to research, develop, test, evaluate, or procure the Expeditionary Fighting Vehicle or the Surface-Launched Advanced Medium-Range Air-to-Air Missile program. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 88.

Representative BLACKBURN (TN)/Representative JORDAN (OH) Amendment No. 104: Would cut an additional $22 billion on top of the $100 billion in cuts in the CR, reducing Legislative Branch appropriations by an additional 11%, and by reducing all other appropriations by 5.5%, exempting Defense, Homeland Security, and Military Construction-Veterans, and funding for Israel. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 104.

Representative BISHOP (NY) Amendment No. 414: Prohibits the use of funds for the National Bio and Agro-Defense Facility in Manhattan, Kansas. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 414.

Representative CAMPBELL (CA) Amendment No. 519: Reduces funds by 3.5% for the Departments of Defense and Homeland Security. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 519.

Representative BROUN (GA) Amendment No. 246: Prohibits funds from being used for beach replenishment projects by the Army Corps of Engineers. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 246.

Representative BROUN (GA) Amendment No. 263: Prohibits the use of funds to pay any dues to the United Nations. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 263.

Representative WU (OR) Amendment No. 526: Prohibits the use of funds by the Federal Energy Regulatory Commission (FERC) from spending any money on oversight of all import and export liquefied natural gas (LNG) facilities. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 526.

Representative MARKEY (MA) Amendment No. 27: Requires oil companies that hold royalty-free leases allowing them to drill for free on the public's offshore lands to renegotiate those leases so that the public is paid the standard royalty charged for drilling. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 27.

Representative PRICE (GA) Amendment No. 409: Prohibits funds from implementing or enforcing the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 409.

Representative MCCLINTOCK (CA) Amendment No. 296: Would prevent the Department of the Interior from completing a science-based process on the Klamath River and deprive the public of information about whether dam removal is in the public interest. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 296.

Representative MCDERMOTT (WA) Amendment No. 99: Prohibits the use of funds to be used to plan for, begin, continue, finish, process, or approve the relocation of the National Oceanic and Atmospheric Administration's Marine Operations Center-Pacific from Seattle, Washington, to Newport, Oregon. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on amendment No. 99.

Representative HERGER (CA) Amendment No. 177: Stops all funding to complete the USDA Forest Service from finishing a 6-year locally oriented planning process for designation of roads, trails and off-road use of National Forests. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 177.

Representative BLUMENAUER (OR) Amendment No. 323: Prohibits funds from being used to make farm commodity payments to people or entities in excess of $250,000. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 323.

Representative BOREN (OK) Amendment No. 566: Prohibits reporting of multiple sales of rifles and shotguns. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 566.

Representative FORBES (VA) Amendment No. 146: Prohibits the use of funds for the Office of the Secretary of Defense to be used for official representation purposes. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 146.

Representative KAPTUR (OH) Amendment No. 333: Reduces the amount made available in the Payment in Lieu of Taxes program by 75%. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 104.

Representative POLIS (CO) Amendment No. 46: Limits the end strength level of U.S. Armed Forces in Europe to 35,000; limits the end strength level for active duty Army to 565,275; limits the end strength level for active duty Navy to 328,250; limits the end strength level for active duty Air Force to 329,275; and reduces the corresponding military personnel accounts by $292,451,213. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 46.

Representative JOHNSON (OH) Amendment No. 498: Prohibits Interior Department's Office of Surface Mining from implementing regulations that protect streams from mining waste and other pollution. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 104.

Representative GOODLATTE (VA) Amendment No. 467: Prohibits the use of funds to develop, evaluate, or provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 467.

Representative GARDNER (CO) Amendment No. 79: Prohibits the use of funds for health insurance exchanges. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 79.

Representative NEUGEBAUER (TX) Amendment No. 151: Prohibits the use of funds for repair, alteration, or improvement of the Executive Residence at the White House. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 151.

Representative ROONEY (FL) Amendment No. 13: Prohibits the use of funds by the Environmental Protection Agency (EPA) to implement or enforce water quality standards to protect the State of Florida's lakes and waters. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 13.

Representative STEARNS (FL) Amendment No. 8: Prohibits the use of funds for the design, renovation, construction, or rental of any headquarters for the United Nations. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 8.

Representative FLAKE (AZ) Amendment No. 377: Prohibits the use of funds for the construction of ethanol blender pumps or ethanol storage facilities. Had Representative MCCOLLUM been present to vote she would have ''yes'' voted on Amendment No. 377.

Representative GUINTA (NH) Amendment No. 166: Prohibits the use of funds for a government contract that requires a project labor agreement. Had Representative MCCOLLUM been present to vote she would have voted ''no'' Amendment No. 166.

Representative HALL (TX) Amendment No. 495: Would block scientific research efforts at the National Oceanic and Atmospheric Administration (NOAA) to understand the domestic and international impacts of climate change. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 495.

Representative LEE (CA)/Representative Stark (CA) Amendment No. 141: Would reduce DoD funding to 2008 levels excluding funding for military personnel and the defense health program. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 141.

Representative GRIFFITH (VA) Amendment No. 109: Would seek to stop federal agencies from regulating mountain top removal mining. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 109.

Representative JONES (NC) Amendment No. 548: Would prohibit the development of approval of fisheries catch shares programs under the Magnuson-Stevens Fishery Conservation and Management Act, which are an important tool for rebuilding fish stocks, and aiding recovery and sustainability of ocean fisheries. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 548.

Representative LUETKEMEYER (MO) Amendment No. 47: Would bar funding for the study of the Missouri River Projects authorized by the Water Resources Development Act of 2009. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 47.

Representative LUETKEMEYER (MO) Amendment No. 149: Would block U.S. contributions to the Intergovernmental Panel on Climate Change, limiting domestic and international scientific research efforts to understand the impacts of climate change. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 149.

Representative ISSA (CA) Amendment No. 569: Prohibits federal agencies from awarding pay raises to employees who move to a higher pay grade and assume greater responsibilities. Had Representative MCCOLLUM been present to vote she would have ''no'' on Amendment No. 569.

Representative SULLIVAN (OK) Amendment No. 94: No funds for implementation of decision by EPA administrator to increase ethanol content in gas to 15 percent. Had Representative MCCOLLUM been present to vote she would have voted ''no'' Amendment No. 94.

Representative MCKINLEY (WV) Amendment No. 216: Would bar EPA from exercising or implementing Sec. 404(c) of the Clean Water Act EPA under which the agency regulates the discharge of dredged or fill material into U.S. wetlands and waters. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 216.

Representative MCKINLEY (WV) Amendment No. 217: Eliminates funding for regulating coal ash as a hazardous waste. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 217.

Representative POMPEO (KS) Amendment No. 545: Prohibits the use of federal funds for the public, searchable consumer product safety database the Consumer Product Safety Improvement Act directs the CPSC to create. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 545.

Representative BURGESS (TX) Amendment No. 200: Prohibits funds from being used to pay the salary of any employee of the Center for Consumer Information and Insurance Oversight in the Department of Health and Human Services. Had Representative MCCOLLUM

been present to vote she would have voted ''no'' on Amendment No. 200.

Representative HELLER (NV) Amendment No. 482: Prohibits the use of funds for monument designations. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 482.

Representative NOEM (SD) Amendment No. 563: Prohibits the use of funds by EPA to issue air quality standards for soot (coarse particulate matter). Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 104.

Representative PITTS (PA) Amendment No. 430: Prohibits the use of funds to be used to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define, through regulations, guidelines, or otherwise, essential benefits under section 1302 of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 430.

Representative CARNEY (DE) Amendment No. 241: Prohibits funds for the oil and gas research and development program at the department of energy. Had Representative MCCOLLUM been present to vote she would have voted ''yes'' on Amendment No. 241.

Representative MULVANEY (SC) Amendment No. 164: Cuts all funds in the bill back to 2006 levels, except for the Department of Defense, Homeland Security, and Veterans Affairs. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 164.

Representative KING (IA) Amendment No. 273: Prohibits the use of funds to administer the wage-rate requirements (Davis-Bacon) of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 273.

Representative BURGESS (TX) Amendment No. 154: Prohibits the Department of Education from using FY 2011 funds to execute a provision in the Education Jobs Fund which required the Governor of Texas to provide certain assurances of State effort to maintain elementary and secondary education funding. Had Representative MCCOLLUM been present to vote she would have voted ''no'' on Amendment No. 154.

Democratic Motion to Recommit H.R. 1. Had Representative MCCOLLUM been present to vote she would have ''yes'' on the Democratic Motion to Recommit.

Final Passage of H.R. 1—Fiscal Year Continuing Appropriations Act for FY 2011 (Representative ROGERS (KY)—Appropriations). Had Representative MCCOLLUM been present to vote she would have voted ''no'' on H.R. 1.

USUHS GRADUATES ARE APPRECIATED

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. WILSON of South Carolina. Mr. Speaker, January's tragedy of the shooting of Congresswoman GABRIELLE GIFFORDS highlighted the military medical education and training of three extraordinary physicians. I would like to recognize these doctors not only for their extraordinary abilities and service during the events in Tucson, but also for the fact they are all alumni of the Uniformed Services University of the Health Sciences at Bethesda, Maryland.

Retired Navy Captain Peter Rhee, serves as chief of trauma at the University Medical Center in Tucson. Dr. Rhee was trained by the USUHS to manage complex wounds under strenuous conditions. Dr. Rhee relied on more than 20 years of military medical experience to perform life-saving procedures in the hours following the tragedy in Tucson. Dr. Rhee's unique abilities helped to save the life of the Congresswoman.

Dr. Rhee was assisted by interim chief of Neurology, Army Colonel Geoffrey Ling. Following the incident in Tuscon, Dr. Ling traveled to Afghanistan as part of a brain injury assessment team convened by the Chairman of the Joint Chiefs of Staff. Dr. Ling was accompanied by Dr. Jim Ecklund. Dr. Ecklund is a highly regarded neurosurgeon who has had much experience caring for bullet injuries to the brain and a classmate of Dr. Rhee's at USUHS.

The training provided by the military medical education allowed for these doctors to save the life of Congresswoman GIFFORDS. I am grateful for their service to this country. I know first-hand of the world-class professionalism of USUHS because my second son is a proud graduate after attending the Naval Academy.

In conclusion, God Bless our Troops, and we will never forget September 11th in the Global War on Terrorism.

LEWIS ''LUIGI'' WAITES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. TERRY. Mr. Speaker, I rise today to posthumously honor the extraordinary talents and accomplishments of the legendary percussionist/vibraphonist Mr. Lewis ''Luigi'' Waites.

Luigi was born July 10, 1927, in Omaha, Nebraska. He began playing drums at age 12 and soon after began playing local nightclubs around Omaha. While Luigi served in the U.S. Army at Camp Lee, Virginia, he met jazz drummer Elvin Jones, who gave him further drum instruction.

Over his long career, Luigi shared the stage with jazz legends such as Ella Fitzgerald, Dizzy Gillespie, Lionel Hampton, and Sarah Vaughan. He was a tireless musician; appearing weekly at a local tavern, Mr. Toad's, since 1975. In addition, he helped organize performances for the Omaha Summer Arts Festival.

Beyond his acclaim as a musician, Luigi was known for his generosity, openness and selflessness on-stage and off. As a teacher and mentor to fellow musicians, he encouraged individuals to explore their creativity and expanded their skills as evidenced by The Contemporaries, a youth drill team and drum corps he organized.

Waites' accolades include being named the Nebraska Art Council's artist of the year for 2006. In the same year, he received a lifetime achievement award at the Omaha Entertainment and Arts Award ceremony. He was inducted into the Omaha Black Music Hall of Fame in 2005. After thousands of performances through several decades, Luigi died peacefully on Tuesday, April 6, 2010 at the age of 82. A family man, he was the father of 6 children, 8 grandchildren, and 13 great-grandchildren at the time of his passing.

As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture that have benefited us all. Luigi's legacy as an artist and teacher deserves our thanks and applause.

23RD ANNIVERSARY OF THE POGROM AGAINST ARMENIANS LIVING IN SUMGAIT, AZERBAIJAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the tragic massacre of Armenian civilians at the hands of the Azerbaijani regime. Next week will mark the twenty-third anniversary of the pogrom against Armenians living in the town of Sumgait, Azerbaijan. The 3-day massacre in the winter of 1988 resulted in the deaths of scores of Armenians, many of whom were burnt to death after being brutally beaten and tortured. Hundreds of others were wounded. Women and girls were brutally raped. The carnage created thousands of ethnic Armenian refugees, who had to leave everything behind to be looted or destroyed, including their homes, cars and businesses. The Sumgait Pogroms were part of an organized pattern, and were proceeded by a wave of anti-Armenian rallies throughout Azerbaijan, which culminated in the 1990 Pogroms in Baku, Azerbaijan's capital city.

These crimes were never adequately prosecuted by Azerbaijan authorities. Many who organized or participated in the bloodshed have gone on to serve in high positions on the Azeri government. For example, in the days leading up to the Sumgait massacres, a leader of the Communist Party of Azerbaijan, Hidayat Orujev, warned Armenians in Sumgait: ''If you do not stop campaigning for the unification of Nagorno Karabakh with Armenia, if you don't sober up, 100,000 Azeris from neighboring districts will break into your houses, torch your apartments, rape your women, and kill your children.'' Orujev later became the State Advisor for Ethnic Policy to former Azeri President Heidar Aliyev.

Despite efforts by the Government of Azerbaijan to cover up the events of February 1988, survivors of the pogrom have come forward with their stories. They told of enraged mobs, which threw furniture, refrigerators, television sets and beds from apartment balconies and set them afire. Armenians were dragged from their apartments. If they tried to run and escape, the mob attacked them with metal rods, knives and hatchets before the victims were thrown into the fire. One witness said of a victim, ''He was still moving, trying to escape from fire, but five young men were pushing him back into the fire with metal rods.'' Others told of Interior Ministry troops, who stood by doing nothing.

The Sumgait massacres led to wider reprisals against Azerbaijan's ethnic minority, resulting in the virtual disappearance of Azerbaijan's 450,000-strong Armenian community, and culminating in the war launched against the people of Nagorno Karabakh. That war resulted in almost 30,000 dead on both sides and created more than one million refugees in both Armenia and Azerbaijan.

A cease-fire agreement was brokered in 1994 and remains in place. However, Azerbaijan's ongoing war-mongering, recent cease-fire violations, and dramatic escalation of its military budget threaten to destabilize the Nagorno Karabakh peace talks. It is my hope that a just and peaceful resolution can be found that takes into account Nagorno Karabakh's right to self determination.

Mr. Speaker, just as we cannot allow the first genocide of the twentieth century to fade into history, the memory of the victims of Sumgait must not be forgotten either.

IN HONOR OF SISTER MARY ANN FLANNERY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Sister Mary Ann Flannery to acknowledge her receipt of the Walks of Life award from the Irish American Archives Society. Sister Flannery has always been a valuable asset to her community and her devotion to serving others is praiseworthy.

Sister Flannery grew up on the East side of Cleveland and graduated from Hoban-Dominican High School. After college she began teaching at Lumen Cordium High School and Notre Dame College. Following her time as a teacher she became an active member in local organizations that focused on social justice issues for the community. She became director of Parma's Jesuit Retreat House, making her the first female director of the oldest retreat center in the nation. In addition to her community involvement, she is also a consistent freelance writer. Her work appears in the Cleveland Plain Dealer and several other publications.

Prior to receiving this award, Sister Flannery also received an award from the Siena Heights University Alumni Association for her relentless efforts to improve her community, her successful tenure as a teacher and her concern for social issues around the globe.

Mr. Speaker and colleagues, please join me in honoring the accomplishments of Sister Flannery. She is a valuable asset to the Cleveland community, and has shown that she possesses a gift for assisting others, no matter what their circumstances.

TRIBUTE TO MS. DOROTHY DESUZIA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to pay tribute to a woman who for forty years has made the well-being of her surrounding community her personal responsibility, Ms. Dorothy DeSuzia.

Dorothy was born and raised in New York City and attended public schools as a child. Her father was a native New Yorker and her mother migrated to the U.S. from the West Indies. In 1965 Dorothy moved into a newly constructed, 1,852 unit apartment complex in the Bronx known as Concourse Village. Dorothy was among the first tenants to move in, and describes the development during those years as a ''beautiful'' space with a great diversity of residents.

Today, Concourse Village is a model of urban homeownership in New York City; but we must not forget that the earliest residents of Concourse Village, including Dorothy, actually fought and won the right to become shareholders. Dorothy helped lead the campaign to have stock certificates awarded to residents of Concourse Village back in the late 1970s; prior to this, no one living in Concourse Village owned their home. Then in 1981, after a prolonged effort led by Dorothy and a dedicated group of residents, stock certificates were finally awarded and the first shareholder Board of Directors was formed. Dorothy served on the first board and three years later, in 1984, she was elected President of the Board of Directors at Concourse Village; a position she held until 1990. She rejoined the Board of Directors six years later in 1996 and remains a board member to this day.

Dorothy has held every position of leadership at Concourse Village, from floor captain to Board President. Her record of transparency and fair dealing has earned her, above all, the trust of her fellow shareholders; and it is safe to say that she has been involved in nearly every major capital and quality of life improvement at the development for the past four decades; including the creation of ''Special Adults,'' Concourse Village's senior citizen program which plans trips and creates a place for seniors to congregate and feel welcome. All of this, however, comes on top of a 38 year career with the former New York Telephone Company, NYTel, now Bell Atlantic/Verizon, from which Dorothy retired in 1992.

Mr. Speaker, if one considers the number of individuals and families who have lived in Concourse Village or have close ties there; and of that number, how many enjoyed a safe, nurturing place to grow up or knew the joy of homeownership since 1981, one can begin to grasp just how impactful Dorothy DeSuzia has been in this community. Her commitment has made the lives of thousands of Bronx residents more enjoyable and more secure. I ask that my colleagues join me in paying tribute to a kind and decent and brave woman whose contributions will not soon be forgotten, Ms. Dorothy DeSuzia.

HONORING THE LIFE OF MRS. DORIS BOWEN ELLICK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Mrs. Doris Bowen Ellick, who died on February 16, 2011 at the age of 78. Mrs. Ellick was a dedicated public servant and a pillar in Palm Beach County. Mrs. Ellick stands apart as an exemplary citizen and living testimony to compassion, dedication, and selfless generosity.

Mrs. Ellick was born on May 23, 1932 to the late Elder Sam and Janie Ross Bowens in Wacissa, Florida. She was formally educated in the public schools of Jefferson County Florida. In 1948, the Bowens family relocated to Belle Glade, Florida. Mrs. Ellick later graduated from Everglades Vocational High School.

For 23 years, Mrs. Ellick worked in the Palm Beach County School System as a teacher's assistant. While there, she was effectively a mentor, godmother, grandmother, encourager, and comforter to many. After retiring from Palm Beach County School System, Mrs. Ellick continued her passion for public service as a foster mother. In this capacity, she opened her home for the community and homeless.

While working as an educator, she met the love of her life, Alford Ellick. The couple wedded on April 7, 1951. From this union was born 8 children: Bernard, Alfred, Charles, Terris, Gerald, Reginald, Christopher, and Kenneth. She was irrefutably a devoted wife and mother.

Mrs. Ellick was also an active member of the Inspirational Church of God where she served on the Board of Directors and Board of Trustees for a number of years, and was officially ordained as one of the Mothers of the church.

In addition to working enthusiastically in her church, Mrs. Ellick devoted a majority of her time to her family. Invariably, she could be found with her children, grandchildren, great grandchildren, and extended family.

For her commitment to her family, her community, and her nation, it is with great privilege that I honor the life of Mrs. Ellick and extend my deepest condolences to her friends and family.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Roll-call vote 142, on agreeing to the Carney of Delaware Amendment, No. 241—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, and for other purposes, I would have voted ''no.''

IN HONOR OF CHRIS COBURN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Chris Coburn to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society. Chris has been a

tremendous asset to the Cleveland community. In fact, the Cleveland Plain Dealer recently hailed Chris as ''a pioneer in tech-based economic development, rugby lover and fifth-generation Clevelander.''

Chris served as the executive director of Cleveland Clinic Innovations, leading a team whose main goal is commercial viability for inventions developed by the scientists and doctors of the Cleveland Clinic. These inventions have the potential to create products that may extend lives and mend genes. His work at the Clinic has boosted economic development and growth for Northeast Ohio.

In honor of his Irish roots, he also ensured that 20 percent of Ireland's cardiologists received the world renowned training at the Cleveland Clinic. Other accomplishments of Chris' include being the former Vice President and General Manager of Battelle Memorial Institution and Director of the U.S. Enrichment Corp.

Mr. Speaker and colleagues, Chris Coburn is truly a valuable asset to Northeast Ohio. Through various innovations and achievements, he has proven himself to be one of Cleveland's most valuable citizens.

HONORING MAYOR RAY JENKINS

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, we are saddened by the untimely death of Mayor Ray Jenkins because our lives have been touched by the life of this one man . . . who gave of himself in order for others to stand; and

Whereas, Mayor Ray Jenkins' work is present in Doraville, Georgia for all to see, being one of Doraville's favorite sons; and

Whereas, this highly effective public servant was elected as Mayor of the city of Doraville in 2003 and again in 2007; and

Whereas, he gave of himself, his time, his talent and his life as he served our nation in the U.S. Navy, with two tours during the Korean Conflict and served in the U.S. Postal Service until his retirement in 1986; and

Whereas, Mayor Jenkins was a husband, a father, a grandfather, a friend and a man of great integrity who remained true to the uplifting of our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a special recognition on Mayor Ray Jenkins for his leadership, friendship and service to all of the citizens of Georgia and throughout the Nation as a citizen of great worth and so noted distinction;

Now Therefore, I, Henry C. ''Hank'' Johnson, Jr. do hereby attest to the 112th Congress of the United States that Mayor Ray Jenkins of Doraville, DeKalb County, Georgia is deemed worthy and deserving of this ''Congressional Recognition'' by declaring; Mayor Ray Jenkins, U.S. Citizen of Distinction, in the 4th Congressional District.

Proclaimed, this 7th day of February, 2011.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,137,541,098,872.71.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $3,501,115,352,578.90 since then.

This debt and its interest payments we are passing to our children and all future Americans.

IN HONOR OF AIDA McCAMMON

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. CARSON of Indiana. Mr. Speaker, today I rise to recognize Aida McCammon for her dedicated service to the Latino community in Indiana.

As Co-Founder and Chief Executive Officer for the Indiana Latino Institute, Aida McCammon has worked tirelessly on behalf of new immigrants in Indiana to expand their access to higher education and health care services. Her passion for improving the lives of immigrants pays tribute to this great nation's long-held tradition of embracing people from all parts of the world. I applaud Ms. McCammon for her bold leadership over the past twenty five years.

Today, I ask my colleagues to join me in honoring Aida McCammon for her distinguished efforts in the 7th Congressional District of Indiana. Her dedication serves as an example to all Americans.

IN HONOR OF PATRICIA ANN GAUGHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Patricia Anne Gaughan to acknowledge her receipt of the Walks of Life award from the Irish American Archives Society. Patricia's focus on civic duty and national allegiance is admirable.

Patricia graduated from Notre Dame Law School in 1978 and soon began her career in law. Initially, she worked as an assistant Cuyahoga County prosecutor. In 1983 she began to handle high profile cases as the first female in the Major Trial Division. In 1986 she secured the position of Cuyahoga County Common Pleas judge, and in 1994, Senator John Glenn nominated her for the U.S. District Court for the Northern District of Ohio. By 2007, U.S. Supreme Court Chief Justice John Roberts selected her for appointment to the Judicial Conference Committee on Federal-State Jurisdiction.

Within the community, Patricia serves as a Director of Magnificat Catholic High School and the St. John Medical Center Community Board. She is also on the Ursuline College Legal Studies Advisory Board. Patricia is a loving mother who lives with her husband Roger, and her son and daughter in Rocky River, Ohio.

Mr. Speaker and colleagues, please join me in honoring Patricia Gaughan, who has devoted her life to the rule of law and service to her country. Her life has been marked by accomplishment after accomplishment. It is an honor to recognize her as an invaluable asset to the Cleveland community.

TRIBUTE TO MR. LEROY RICHARD ARCHIBLE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to offer praise and thanks to a man I have known for more than forty years; a man who first learned about service during the Korean War as a United States Marine; and then spent the next half century in service to his community in the Bronx. I speak of a man of action as well as conscience, but most of all, a trusted friend, Mr. Leroy Richard Archible.

Mr. Archible, better known as ''Arch,'' was born in Memphis, Tennessee in July 1931. He attended high school in Louisville, Kentucky, before enlisting in the United States Marines. Arch served in the Marines for 10 years, from 1950–1960; and in Korea from 1951–1953. A decorated soldier, Arch was awarded the Korean Service Medal with 4 Bronze Stars, the National Defense Service Medal, a Korean President Unit Citation, a United Nations Service Medal, and a Good Conduct Medal with 2 Bronze Stars.

After his discharge, Arch migrated to the Bronx, New York. His community involvement began as a Youth Employment Counselor and Sports Director at the Morrisania Youth and Community Services Center. He joined Community Board 3 and was appointed 1st Vice Chairperson, in addition to Chairperson of the Parks & Recreation and Historical Research Committees. Arch has worked for the Mayor's Office Of Veterans Affairs under the Honorable Abe Beame; and served on the Institutional Review Board of Bronx Lebanon Hospital Center. Most recently, Arch was appointed by the Governor of New York to serve on the statewide Veterans Affairs Commission.

In addition, for the better part of three decades, Arch has acted as a local historian of African American history in the Bronx. He has traveled across the borough archiving stories and historical documents which help to illustrate the African American experience in the Bronx, beginning from the early 20th century. This preservation work has always been carried out at Arch's own expense, to insure this important legacy is not lost.

It is Arch's work with the community of veterans, however, for which he is most well known. Three years ago, Arch helped to lead an effort to have the remains of a Congressional Medal of Honor recipient from the Bronx

given proper burial at Arlington National Cemetery. Cornelius H. Charlton was posthumously awarded our nation's highest military honor for bravery during the Korean War He was killed in 1951 but his body was not laid to rest at Arlington. In November 2008, Arch, along with members of Sgt. Charlton's family and several veterans from the Bronx VA, oversaw the reinterring of Sgt. Charlton's body into Arlington National Cemetery. As a result, Arch and the dedicated group who championed this effort formed The Friends of Charlton Garden, a Bronx-based 501(c)3 not-for-profit organization that advocates for veterans affairs. Arch serves as Co-Chair of The Friends of Charlton Garden, and is a member of several other veterans groups, including The American Legion Mitchell-Royal Post 1905, and the Bronx Chapter of the National Association of Black Veterans.

Mr. Speaker, after so many years of helping others, Leroy Archible has earned the gratitude of more people than he could possibly know. If you were to ask him, however, Arch would tell you that his proudest moments have come as a husband to Ella, a father, and as a grandfather. Arch has been the heartbeat of so much good during his life; he is accomplished in work; respected among peers; and brave in all things. Mr. Speaker, I ask that my colleagues join me in paying tribute to Mr. Leroy Richard Archible.

HONORING THE EMBASSY OF TURKEY AND THE ERTEGUN FAMILY FOR THEIR CONTRIBUTION TO JAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. CONYERS. Mr. Speaker, a recent Washington Post article examined the Embassy of Turkey's role in promoting jazz in America. Former Turkish Ambassador Mehmet Munir Ertegun and his sons Ahmet and Nesuhi Ertegun were instrumental in raising the profile of jazz in the 1930s and 40s in the District of Columbia.

While growing up in Washington, DC, Ahmet Ertegun and his brother, Nesuhi, disregarded the racial barriers that divided the city and the country and hosted jam sessions at the Turkish Embassy. Many notable jazz artists performed, including Lester Young, Benny Carter, Meade Lux Lewis, Leadbelly, and members of the Count Basie and Ellington bands. On a recent visit to the Embassy, Ambassador Tan showed me a picture of Dr. Martin Luther King at the embassy with jazz musicians.

Later in his life, Ertegun went on to found Atlantic Records in 1947 as a record label for gospel, jazz and R&B music with partner Herb Abramson. His brother eventually joined the firm and created one of the most successful independent labels in American history.

Many renowned artists joined Atlantic Records such as Ray Charles, Ruth Brown, LaVern Baker, the Drifters, the Coasters, Aretha Franklin and Led Zeppelin. Other artists shaped by Ertegun include John Coltrane, Stevie Wonder, and Mick Jagger.

Asked by the Slate magazine on his legacy, Ertegun responded, ''I'd be happy if people said that I did a little bit to raise the dignity and recognition of the greatness of African-American music.''

On Friday, February 4th, in acknowledgement of Black History Month, Namik Tan, the Republic of Turkey's current ambassador to the United States, announced a series of six concerts at the Turkish Ambassador's residence to highlight the unique role the Embassy played in the promotion of jazz music and racial integration and acceptance in our Nation's capitol. The first concert will be tomorrow and it will feature the Orrin Evans Trio.

As we conclude Black History month, I would like to pay tribute to the contributions of the former Turkish Ambassador Mehmet Munir Ertegun and his sons Ahmet and Nesuhi Ertegun and to their contributions to bringing jazz to the world.

A STIRRING MOMENT IN JAZZ HISTORY TO ECHO IN TURKISH EMBASSY

(By J. Freedom du Lac)

The ghosts are jamming again.

They're playing that hot jazz in the Turkish Embassy's old Sheridan Circle mansion, just as they did in the 1930s and '40s, when the ambassador's boys, Ahmet and Nesuhi Ertegun, were always inviting their favorite musicians over to hang and blow and thump. The informal, integrated gatherings achieved near-mythic status—''Washington's most famous private jam sessions,'' jazz journalist Bill Gottlieb called them in The Washington Post in 1943—and then they evaporated into history.

''So many people don't know about it,'' said Namik Tan, Turkey's current ambassador. He's in the mansion's second-floor music parlor, envisioning Lester Young sitting in the wood-paneled room, coaxing those light, airy notes out of his tenor saxophone. Or maybe it's Benny Carter, making his alto sax sing. And aren't those the cats from Duke Ellington's band—Johnny Hodges, Harry Carney, Barney Bigard—on deck to play?

''Just try to scan back and imagine sitting here and listening to those great jazz musicians play,'' Tan said.

On Friday, in a nod to Black History Month, Tan will announce a series of six invitation-only concerts at his palatial residence just off Embassy Row. The first, March 1, will feature pianist Orrin Evans. Jazz at Lincoln Center, on whose board Ahmet Ertegun served, is curating the series, which Tan conceived to highlight the mansion's past as one of Washington's most exclusive—and unlikely—jazz venues.

These will be much more formal affairs than the jam sessions hosted by the brothers: Ahmet, who founded Atlantic Records and produced some of R&B's greatest sides; and Nesuhi, who ran the jazz department at Atlantic and produced classic records for John Coltrane, Ray Charles, Bobby Darin and Roberta Flack.

But any jazz is notable at 1606 23rd St. NW, where the Erteguns proudly flouted the conventions of segregated Washington by welcoming black musicians through the front door. This was done, as Ahmet Ertegun liked to point out, much to the consternation of ''outraged Southern senators,'' who complained to his father, Ambassador Mehmet Munir Ertegun, about the practice.

''I thought it would be wise to rebuild the historical image of the Turkish Embassy residence as a center for jazz and jazz fans,'' Tan said. ''People should be aware of the historical significance of this house and of Ahmet and Nesuhi Ertegun. They made a good place for Turkey in the hearts and minds of the black community here and in the music community around the United States and elsewhere.''

The Ertegun boys were already hard-core swing buffs by the time their father was named Turkey's ambassador to Washington in 1934, when Nesuhi was 17 and Ahmet was 11.

Upon landing in America, the young Turks dived headlong into the heart of the District's hopping jazz scene, frequenting the Howard Theatre, a mecca of black entertainment, to hear Ellington and other favorites. ''I got my education in music at the Howard,'' Ahmet later declared.

The Erteguns began promoting concerts, too—at the Jewish Community Center, the National Press Club and elsewhere—partly because they so loved the music but also out of a sense of social responsibility. ''You can't imagine how segregated Washington was at that time,'' Nesuhi told The Post in 1979, a decade before his death. ''Blacks and whites couldn't sit together in most places. So we put on concerts. . . . Jazz was our weapon for social action.''

They regularly invited musicians back to the embassy. The typical gathering began with a meal served by servants in tuxedos. Then came the sweetest dessert for hard-core swing fans.

''Nesuhi and I made the most out of the extra-territorial situation offered by the embassy by inviting musicians who'd played in town the night before over for Sunday lunch,'' Ahmet recalled in his 2001 book, ''What'd I Say: The Atlantic Story.'' ''They all loved the idea of having lunch at an embassy, particularly one as well-appointed and in such grand surroundings as the Turkish embassy in Washington. After lunch, jam sessions would inevitably develop.''

If there's a record of the artists who visited the Erteguns, the embassy hasn't been able to find it. Based on interviews with the brothers, Gottlieb's columns in The Post and photos at the Library of Congress, though, the cumulative guest list probably included Young, Carter, boogie-woogie pianist Meade Lux Lewis, blues giant Leadbelly, and members of the Count Basie and Ellington bands.

You can feel it when you set foot in the place, said Washington jazzman and educator Davey Yarborough, who performed at the residence in October in what Tan called ''a practice for the series.''

''You feel the history coming up the steps,'' Yarborough said. ''There's a sense of energy, a sense of ancestry that you get to absorb. If Lester Young played here, his spirit is still here, and he might guide me through a breakthrough on my instrument—like, 'Here, let me show you what it really felt like.' ''

To Nesuhi Ertegun, watching Ellington's band jamming at the mansion ''was one of the biggest thrills of my life,'' he told The Post in 1979.

The music, he said, seemed to go over well with others, too. ''I remember once there was an embassy party, and I was having some musicians over at the same time. We were really getting kind of loud, and I was worried that maybe the people outside could hear us. At about that time, my father peered in and said, 'Can you leave the door open? That music sounds awfully good.' ''

HONORING JOHN H. WELSH ON THE OCCASION OF HIS RETIREMENT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor John Welsh, who will retire this year after four decades of service in hospital administration. Since obtaining his Master of Health Administration from the University of Missouri in 1971, John has been committed to ensuring the strength of the health institutions he has worked at and to providing the highest level quality of care for patients.

John has most recently served as the President of Rumford Hospital in Rumford, Maine. Rumford is a small mill town of just under 5,000. Under John's leadership, Rumford Hospital has provided top quality health care and other services to the residents of Rumford and beyond.

The Rumford Hospital is a vital part of the community. Not only does the hospital provide quality healthcare to Rumford and many of the surrounding rural towns, but it also is the leading job creator for the area. Under John's leadership, the Rumford Hospital has been able to offer many services that had formerly been unavailable to the citizens of the region. These services include LifeFlight Helicopter service and an Oncology Suite.

Recently, Rumford Hospital named their new building in honor of John as thanks for his many years of service. The building includes a new operating room and nursing unit with up-to-date equipment and furnishings. It is incredibly important for the rural communities of the Rumford area to know that they have access to quality care so close to home. This assurance would not be possible without John Welsh.

John has also gone beyond his work at Rumford Hospital and played an important role in the State's health care system. John's many contributions include serving as Chairman of the Maine Hospital Association Board and as the Maine American College of Health Care Executives Regent.

Mr. Speaker, I ask you to join me in thanking John Welsh for his tremendous contributions and service to the people of Rumford and the State of Maine.

IN HONOR OF RICHARD F. COYNE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Richard F. Coyne to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society.

Richard is a valuable asset to the Cleveland community. Without him, Cleveland would not have one its most prestigious landmarks: the Great Lakes Science Center. Richard was chosen specifically to spearhead the construction of the Science Center twenty years ago. As a result of his know-how and expertise, the project was completed both on time and under budget. The Great Lakes Science Center is one of the largest interactive science museums in the country.

Now retired from management duties at the Science Center, Richard continues to assist and advise other enterprises. He is an active member of the leadership board at the Cleveland Clinic's Glickman Urological and Kidney Institute and has been chairman of the endowment board at St. Ann Catholic Church.

Mr. Speaker and colleagues, Cleveland, Ohio is blessed to have such an honorable and hardworking man as a member of its community. His dedication has vastly improved Cleveland and the city will forever be in Richard's debt.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. GRAVES of Missouri. Mr. Speaker, during consideration of H.R. 1, I voted "yea" on rollcall No. 101 when it was my intent to vote "nay." I am writing to request that this position be noted in the RECORD.

In addition, I wish the RECORD to reflect that I would have voted "yea" on rollcall No. 81.

KHOJALY TRAGEDY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. MYRICK. Mr. Speaker, I rise today to recognize a tragedy that occurred 19 years ago in Azerbaijan.

Between February 25–26, 1992, hundreds of innocent civilians were killed in what's known as the Khojaly Tragedy. During this tragedy, ". . . it is widely accepted that 200 Azeris were murdered, as many as 500–1,000 may have died," according to a report released by Human Rights Watch in 1993.

Azerbaijan is a strong ally of the U.S., especially during this time of uncertainty in the Middle East. We grieve with its people as we remember the victims of the Khojaly Tragedy.

64TH COMMEMORATION OF TAIWAN'S "2–28" MASSACRE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. GARRETT. Mr. Speaker, I rise today to observe the 64th commemoration of Taiwan's "2–28" Massacre. The massacre was an anti-government uprising in Taiwan that began on February 28, 1947 and was violently suppressed by the Chinese Nationalist government over the following weeks. Estimates of the number of deaths vary from ten thousand to thirty thousand.

The massacre began when Taiwanese citizens confronted Chinese Nationalist troops that had beaten and arrested an elderly woman. In the weeks that followed, the Republic of China sent soldiers to capture and execute unarmed civilians—innocent doctors, lawyers, and students that were guilty of only wanting a more free and independent government. Over the following four decades, the Chinese Nationalists continued to rule Taiwan with an iron fist under Martial Law that was not lifted until 1987.

However, through this daunting experience, a bigger and brighter Taiwan is beginning to emerge. In the over half-century since these events, we have seen a Taiwan that struggled for independence under an authoritarian regime, now have a thriving and pluralistic democracy. While they are still fighting for sovereignty from China, since 2000 the Taiwanese have made strides to control their own destiny, and have transitioned between ruling parties based on the will of its citizens on multiple occasions.

Mr. Speaker, I urge other Members to join me today in commemorating this important historical event.

HONORING DETECTIVE ROGER CASTILLO

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today with a heavy heart as I mourn the loss of Detective Roger Castillo, an officer with the Miami-Dade Police. Detective Castillo was a patriot dedicated to upholding and defending the rule of law. He was a man of great courage, conviction, and passion who lived a wonderfully fulfilling life surrounded by a loving family, close friends and admiring colleagues.

Detective Castillo was born on September 29, 1969 in Miami Beach, Florida. He graduated from Southwest High School in 1987 and began his law enforcement career with the Miami-Dade Police Department as a Public Service Aide in 1989. In 1992, he graduated from the police academy and was assigned to the North Operations Division serving the Miami Lakes and Northside Districts. In 1995, Detective Castillo was assigned to the Police Operations Bureau (POB). After a short time in POB, he joined the Court Services Bureau until his transfer to the Warrants Bureau, Felony Apprehension Unit in 2004.

In an effort to keep our community safe, in 2007, Detective Castillo transferred to the Strategic and Specialized Investigations Bureau, Career Criminal Section. He always displayed a positive attitude towards the Miami-Dade Police Department and a level of professionalism like no other.

I mourn alongside the loving family of Detective Castillo, and honor his wife Debbie and children Anthony, Michael, and Bryan. During this difficult time, we will pray for the well-being of the Castillo family.

Detective Castillo's death does not represent an end to his legacy, for his spirit and good deeds live on. His colleagues, friends, and family cherish his legacy as a brave defender of our community.

IN HONOR OF RICHARD CLARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Richard Clark to acknowledge his receipt of the Walks of Life award from the Irish American Archives Society. Richard has been of immense value to the community and his achievements are certainly praiseworthy.

Mr. Clark's time spent as the principal of St. Ignatius High School marked an era of vast improvements to the school. Attendance rose annually by 300 students under his leadership. During his twelve years as principal, St. Ignatius reaped the benefits of a new intramural gym, a new 400 seat place of worship and a complete remodeling of its classrooms.

After leaving St. Ignatius High School, Richard founded an entirely new high school in Cleveland, Saint Martin de Porres. The mission of this school is ''to transform urban Cleveland one student at a time.'' Richard can be proud of his many accomplishments. Of the 190 students who graduated from St. Martin de Porres, all were accepted into college.

Mr. Speaker and colleagues, Cleveland is proud to have such a motivated and goodwilled individual giving back to the community. Richard's accomplishments have improved the lives of hundreds of young individuals seeking education and opportunity.

GOLDEN HOTEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor the Golden Hotel Bridgewater Grill and owners Burt and Andria Lewis for receiving the Business of the Year award from the Golden Chamber of Commerce.

This award is given to an outstanding chamber member that has contributed substantially to the Chamber of Commerce community.

The Golden Hotel Bridgewater Grill has become a business known to travelers throughout Golden, Denver, Colorado and the Western Region. This property is the first solar powered hotel in Golden. Owners Burt and Andria Lewis state ''This was an easy decision for us; we are consistently trying to enhance our green practices and what better way to do so than by going solar''.

The award winning Golden business has a huge presence in participation and involvement in the Golden community. The property is also very well known for its many charitable donations.

I extend my deepest congratulations and appreciation for the Golden Hotel and Bridgewater Grill and owners Burt and Andria Lewis for this well deserved recognition by the Golden Chamber of Commerce. I have no doubt their appreciation to community has made our community a better place for all of us to live.

IN HONOR OF BARNEY F. HAJIRO'S PASSING

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to honor Private Barney F. Hajiro, Medal of Honor recipient. On January 21, 2011, Private Hajiro passed away in Honolulu, Hawaii at the age of 94.

Barney Hajiro was born in Hawaii in 1941 to Japanese immigrant parents. Shortly after the attack on Pearl Harbor, Barney was drafted into the U.S. Army. In 1943, he volunteered to join the 442d Regimental Combat Team composed of second-generation Japanese-Americans and was then sent to Europe to fight the Germans in Italy and France. While fighting in France, the 442d Regiment was called upon to rescue the Texas 36th Division that had been cut off and surrounded by Germans for over a week, earning its nickname the ''Lost Battalion.'' Private Hajiro and his comrades encountered a dangerous and challenging undertaking as the German troops relentlessly fired at the American soldiers from uphill.

When ordered to attack, Barney fearlessly charged ahead up the hill, later referred to as ''Suicide Hill'' towards the heavily fortified enemy position, exposing himself to intense enemy fire, while constantly taking aim at multiple enemy strongholds. He fearlessly met fire with fire and single-handedly destroyed two machine gun nests and killed two enemy snipers. As a result of Private Hajiro's heroic actions, the attack was successful. Private Hajiro's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon him and the United States Army.

Mr. Speaker, I ask my colleagues to join me in expressing our deepest and most sincere gratitude for the service of Private Barney Hajiro, and honoring the memory and lasting legacy of this brave and selfless United States soldier. May we all strive to be as bold and as dedicated servants of our country as Private Barney Hajiro.

INTRODUCING THE VETERANS HOME LOAN REFINANCE OPPORTUNITY ACT OF 2011

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Veterans Home Loan Refinance Opportunity Act of 2011. This bipartisan legislation improves the federal Qualified Veterans Mortgage Bonds (QVMB) program to allow eligible states to use tax-free bond proceeds to refinance the home mortgages of our military veterans.

This legislation is necessary during our troubled economic times. QVMB home loan financing was not available to newly discharged veterans returning home from Iraq and Afghanistan until passage of the Heroes Earning Assistance Relief Tax Act of 2008 (H.R. 6081) in the 110th Congress.

Prior to 2008, some veterans may have taken out adjustable-rate mortgages (ARM) to purchase a home during the real estate boom earlier in the decade. It is only fair to them that they have the same opportunity as newly discharged veterans to take advantage of the low-interest, fixed rate mortgages available through QVMB financing.

For some veterans with a costly ARM or interest-only mortgage, this legislation could prevent a foreclosure.

Finally, Mr. Speaker, this legislation includes an inflation index to ensure the QVMB veterans home loan program remains viable in the future.

I urge passage of the Veterans Home Loan Refinance Opportunity Act.

DENNIS EGGEMEYER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Bob List and Dennis Eggemeyer for receiving the Charlie O'Brien award from the Golden Chamber of Commerce.

This award goes to members who are well respected within the organization and are motivated by an unselfish desire to contribute to the community for the betterment of greater Golden.

Bob and Dennis were members of Mayor Jacob Smith's committee ''Summit on Sustaining Golden's Retail Economy''. An idea acted upon was Golden's First Friday Street Fair. The main purpose of this idea was to bring people to historic downtown Golden to see and experience a good time with hopes they will return on a regular basis.

Bob and Dennis faced several obstacles in their research but never gave up their pursuit of putting this event together. With cooperation from many groups, the obstacles were worked out and the success story can now be told.

In the summer of 2010 there were five street fairs bringing crowds estimated to be at least two thousand per event, residents having fun meeting and networking. The only negative to report is ''there should be more of these street fairs throughout the year'' which has been taken under advisement.

I extend my deepest congratulation and gratitude to Bob List and Dennis Eggemeyer for this well deserved recognition by the Golden Chamber of Commerce. Thank you for making our community a better place for all of us to live.

RECOGNIZING THE 23RD ANNIVERSARY OF MASSACRES AGAINST ARMENIANS IN SUMGAIT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. COSTA. Mr. Speaker, on behalf of the thousands of Armenian Americans in my congressional district, I rise to remember the evening of February 27, 1988, when a three-day rampage began against Christian Armenian civilians living in Sumgait, Soviet Azerbaijan. Armenian civilians were at the mercy of

Azerbaijani rioters, who murdered, raped, and maimed Armenians, throwing women and children from windows and burning victims alive. Soviet authorities, who had prohibited journalists from entering the area and had instituted a press blackout, estimated over 30 individuals had been killed and over 200 injured, but others estimated hundreds were murdered.

In the days before the massacre, Armenians in Nagorno Karabakh had been peacefully demonstrating against decades of Soviet Azerbaijani repression and discrimination. Many believed the resulting massacres were officially sanctioned to send a message to Armenians to stop challenging Soviet Azerbaijani authorities.

Within months of the Sumgait massacres, the U.S. Senate unanimously passed Amendment 2690 to the FY 1989 Foreign Operations Appropriations bill (H.R. 4782) in July 1988, concerning the Karabakh conflict and calling on the Soviet government to "respect the legitimate aspirations of the Armenian people." The amendment also noted that "dozens of Armenians have been killed and hundreds injured during the recent unrests."

The anniversary of this horrifying instance of violence serves as a reminder that the United States must stand with those around the globe engaged in peaceful demonstrations against repression and human rights abuses.

"THE QUALITY OF A PERSON'S LIFE IS IN DIRECT PROPORTION TO THEIR COMMITMENT TO EXCELLENCE, REGARDLESS OF THEIR CHOSEN FIELD OF ENDEAVOR"—VINCE LOMBARDI

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KIND. Mr. Speaker, I rise today to honor the World Champions, winners of Super Bowl XLV, The Green Bay Packers of Title Town. I ask that this poem penned in honor and remembrance of them by Albert Caswell be placed in the RECORD.

THE PACK IS BACK, AND HOW!

In this game of old,
upon these hardened fields of frozen tundras so . . .
But came the birth,
of one of the NFL's greatest teams to be behold . . .
of most hallowed Green and Gold!
Were born,
The Green Bay Packers of such fame known so,
because of their Championships,
the name Title Town they now so own!
As the only Professional team across this nation,
in any sport, who is so owned by. . .
"WE The People" this fine equation!
As The Legend Vince Lombardi,
"so ruled The Lombardi Nation" . . .
and his most hallowed teams, virtually defined . . .
the very definition of what the word football means!
And from this Title Town so came,
the very first two Super Bowls win to claim,
as a Starr was born who in The Hall now remains!
As it was not too long before,
when a man named Brett went Favre . . .
and gave to this Title Town again,
another Super Bowl win once more!
As then later in later years,
a new kid in town as so appeared . . .
like The Young Man to Montana Man,
now Brett to Rogers, both had to stand!
Back to Back! Man to Man!
Replacing an Icon . . . as Rogers knew,
he'd have to go "The Longest Yard" to live that dream!
And now the stage was set,
in Super Bowl XVL so yet . . . clash of the Titans,
Pittsburgh and Green Bay, who would survive?
Would Steel bend, or Cheese give way?
As it was these two early teams,
that so helped give the NFL its great name!
As the two rode into Texas for the game,
for this up and coming war,
as a shootout at the OK Corral for sure!
But, only one team . . .
can so wear that most hallowed crown,
that of World Champions of so renown . . .
and hold that Lombardi Trophy up high,
up so very proud!
As it was to be,
the young gun versus the proven one . . . Big Ben,
and the new Kid Rocket Rogers with cannons,
blazing both ones!
Who would win, and Be The Best?
But, Aaron could not spell the word DOUBT,
even if you spotted him the first five letters no less!
And still another great question lie here so!
Which is greater, Cheese or Steel . . . yo?
As so soon, 111,000 viewers would know!
As The Pack had something to prove,
with so many players on the DL . . .
they had their own Special Mash Unit too!
While, it did not take long,
before Rogers threw strong . . .
and hit Jody with a 29 TD . . .
As he put a Full Nelson on the Pittsburgh D!
Then, in the Nick of time . . .
Big money Collins,
cashed in his own private Benjamins,
intercepting, a 37 yd return crossing the goal line!
As on that very same play,
Kemoeatu, gave Big Ben "The Kemo Treatment",
running over him, showing him The Packer Way!
Already you could so see, in disbelief . . .
as all over those powerful Pittsburgh Steelers,
some Rust was starting form, starting to creep!
As, Matthews 52 cried out . . .
you better get the trainer quick . . .
and get some Rustoleum on that,
or your all going to be eating cheese!
And then after a Steelers field goal,
Big Ben was Bushwhacked by Jarrett so,
with an interception . . . as man that was cold!
Then, using Laser Technology,
for a TD to Jennings so sweet . . .
as Rogers drilled a rope for 7yds,
that exploded oh so very brilliantly!
As it looked like Polamalu number 43,
and all of the entire Steelers football team,
were having a bad hair day indeed,
yea it was not looking very pretty!
When, suddenly before the half time,
Hines Ward, had something else in mind . . .
a great TD, reinforcing The Steel you see!
As it was at the end of a 77yd drive,
once again Big Ben came alive,
because the great one earlier,
Woodson, got hurt breaking up a play as he dived!
But Pittsburgh apparently,
liked what they served at the halftime show,
helping them grow those Black Eyed Peas so!
Scoring a touchdown on five consecutive runs,
from the 50yd line where it all begun . . .
as Mendenhall scored with an 8yd TD, this one!
The Steelers were bent,
but not yet broken . . . until Matthews,
molded Mendenhall into human Clay,
with his fumble so, Captain Crunch had spoken!
And with the game on the line,
Rocket Rogers say "Roger That",
yea one more time!
Living Large, with a 55yd drive into a TD!
As once again, on Jennings looked so splendidly,
with an 8yd throw . . . the man's got speed,
telling all of those Terrible Towels . . . to eat cheese!
As somehow again, The Tower of Big Ben . . .
struck one more time, in the end zone to Wallace . . .
who is too, was built for speed!
But, the coolest of cool . . .
as Rogers nerves of steel ruled!
Driving down the field,
for a Masonic Moment as he would not yield!
With Crosby, on the road to victory . . .
As he made the kick,
the Steelers were getting sick,
and needed a drive, as those terrible towels began to cry!
But time ran out on Big Ben,
as Rogers cried it's time for the belt my friends . . .
feel my disease,
as the price of steel began to descend!
As The Black and Yellow, turned to jell–O . . .
turned to jell-o . . . and The Mighty Packer's D,
put their stamp of Wiscousin Cheese . . . on them!
While, somewhere up in Heaven,
an Angel named Lombardi cries,
"The Pack is Back,
we're on Top!" now with tear in his eye!
It was a heck of a game, as records were broken . . .
as over 111,000 people watched what was spoken!
The word TEAM, what McCarthy was invoking!
As he, had a lot legends to live up to . . .
and some tough shoes to fill, along the way!
But, now he's shown the nation what he can do!
It was one heck of year, as against all odds . . .
a new World's Champion been named,
just like the old Lombardi team's so true!
Against all odds, in the way they were led,
from The Coach on down . . . what it said,
as a new Star who was found, "Rogers That"!
Yea, once again THE PACK IS BACK,
AT THE VERY TOP OF THE PACK . . .
ALL IN THAT GREAT TITLE TOWN!
And in the end, the Nation found!
That Cheese is far stronger than Steel!
So don't look back, were gaining on you now!
Were only two away from six,
in this hallowed Title Town!
Football God's, The Pack Is Back, And How!

CRAIG BAKER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Craig Baker for

receiving the Golden Chamber of Commerce Ambassador of the Year award.

Craig has been very active in promoting the Golden Chamber of Commerce in several ways. Attending ribbon cuttings, grand openings, ground breakings and mentoring new chamber members. Craig's attitude is positive, enthusiastic, and infectious.

As a member of the Golden Chamber of Commerce, Craig has been very active with the Golden Saturday Farmers market. Arriving at 5:00 a.m. for seventeen Saturday's, helping set up Chamber activities. His peer's consider him the most efficient storage arranger ever. He can fit many items in a very small space.

I extend my deepest congratulations to Craig Baker for his well deserved recognition by the Golden Chamber of Commerce. I have no doubt he will extend the same dedication and character in all his future accomplishments.

HONORING OFFICER AMANDA HAWORTH

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise in sadness over the tragic loss of Officer Amanda Haworth. Officer Haworth was a patriot dedicated to upholding and defending the rule of law. She served above and beyond the call of duty as an officer with the Miami-Dade County Police Department.

Officer Haworth was born on August 5, 1966, and graduated from Miami Sunset High School in 1984. She joined the Miami-Dade Police Department in October 1988. Upon graduating from the police academy, she was assigned to the Northside Station. Her dedication to her duties encouraged her to further her career, later transferring to the Warrants Bureau, Felony Apprehension Unit in 1994.

Her initiative and tenacity to keep our community safe inspired her to transfer to the Strategic and Specialized Investigations Bureau, Career Criminal Section in January of 2003. Her professionalism and dedication to her profession earned her respect and admiration within the law enforcement community.

Officer Haworth's life and legacy remind us of the noble commitment of public service. Although we lost her too soon, her memory will forever live on in the lives of her family and colleagues in the law enforcement community.

Officer Haworth leaves behind a legacy of achievement and inspiration, for she was an example of what genuine caring and unrelenting commitment can accomplish. She gave tirelessly for the benefit of those around her and will be sorely missed. My thoughts and prayers are with the Haworth family, her sons Austin Haworth and Jason Mitchell, her life partner Sgt. Rosie Diaz, and her loving parents, Robert Haworth and Susanne Miller.

HONORING THE TOWN OF LUBEC, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the town of Lubec, Maine as it celebrates its bicentennial this year.

For two hundred years, America's day has begun in Lubec, its Quoddy Head Light having long been touted as the easternmost point in the contiguous United States. Situated next to President Franklin Roosevelt's beloved Campobello Island on the Bay of Fundy, Lubec is a small town of just under 2,500 hard-working Mainers.

Lubec has always been associated with the sea, not just due to its proximity, but for its industry as well. In 1797, the first herring was cured by smoke in Lubec, ensuring that the town would become a leader in smoked herring production. Later, Lubec would become a leader in sardine canning, creating jobs and opportunities for communities in the Down East. Today, fishing is still a major part of the local economy.

The town has also been at the forefront of American history. As the Civil War raged, 200 soldiers left Lubec to defend the Union. 26 made the ultimate sacrifice and did not return home. Despite being closer to Canada than any other part of the nation, nearly one in twelve residents in Lubec fought to ensure that the rest of the nation would stand united.

While the days of the canneries and smokehouses have come and gone, Lubec stands firm and strong as it heads into its next century. With its beautiful coastline and wonderful outdoor opportunities, people from across the nation continue to travel to Lubec each year and recognize the strength of its community.

Mr. Speaker, please join me in wishing all the citizens of Lubec well on this monumental and joyous occasion.

BOB LIST

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Bob List and Dennis Eggemeyer for receiving the Charlie O'Brien award from the Golden Chamber of Commerce.

This award goes to members who are well respected within the organization and are motivated by an unselfish desire to contribute to the community for the betterment of greater Golden.

Bob and Dennis were members of Mayor Jacob Smith's committee "Summit on Sustaining Golden's Retail Economy". An idea acted upon was Golden's First Friday Street Fair. The main purpose of this idea was to bring people to historic downtown Golden to see and experience a good time with hopes they will return on a regular basis.

Bob and Dennis faced several obstacles in their research but never gave up their pursuit of putting this event together. With cooperation from many groups, the obstacles were worked out and the success story can now be told.

In the summer of 2010 there were five street fairs bringing crowds estimated to be at least two thousand per event, residents having fun meeting and networking. The only negative to report is "there should be more of these street fairs throughout the year" which has been taken under advisement.

I extend my deepest congratulation and gratitude to Bob List and Dennis Eggemeyer for this well deserved recognition by the Golden Chamber of Commerce. Thank you for making our community a better place for all of us to live.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Mr. HEINRICH. Mr. Chair, I rise today to object to the amendment submitted by Mr. PENCE, which would deny Planned Parenthood health centers federal funding for family planning services, HIV testing and counseling, programs to prevent infertility, and breast and cervical cancer screenings.

The Pence amendment would cut off millions of American women from their only source of primary care. One in five American women has accessed health care at a Planned Parenthood health center. In 2010, Planned Parenthood of New Mexico provided 1,995 Pap smear tests and 281 breast exams. Services such as these save lives.

Instead of focusing on the issues Americans are most concerned about, House Republicans are targeting women's health care programs and women's health providers under the guise of deficit reduction. These proposals do nothing to improve the economy, they will result in job losses, and they will cut off millions of American women from their only source of primary and preventive care. At a time when more and more women and families are facing difficulties in accessing health care due to increasing costs and a struggling economy, members of Congress should be doing everything they can to ensure that women have access to the health care they need and the trusted providers in their community.

I urge my colleagues to vote against this amendment.

GENE HAYNES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. TERRY. Mr. Speaker, it is my pleasure to rise during Black History Month to remember the important contributions African Americans have made to our nation and to honor

the extraordinary people who continue to help shape my community of Omaha and our great nation. Today, I would like to pay special tribute to Gene R. Haynes, one of the thousands of successful and talented African Americans in the Second Congressional District of Nebraska.

Gene Haynes grew up poor and in segregated schools in the South. His three older brothers moved to Omaha for packing-house work to help put him through college. After college, Mr. Haynes followed his family to Omaha and along with his wife, Annie Haynes, began teaching in 1967.

He went on to become the principal of Omaha North High Magnet School and an inspirational leader in the community. He is known for being a hands on and motivational educator who has contributed greatly to the school's development Dedicated to preparing students for their role in a highly technological and global society, he oversaw the complete renovation of the building's infrastructure and the addition of 30,000 square feet of facilities focusing on technology, mathematics, science and engineering.

During his time at North, Haynes has been part of a number of creative programs designed to empower students, engage parents and bring the business community into the school.

In addition to his loyal service to his students, Gene Haynes is active in several local, state, and national organizations. He has been an integral part of The North Omaha Project Impact, Urban League of Nebraska, Fellowship of Christian Athletes, National Association of Secondary School Principals, and the Pacesetter Scholarship Committee.

I am proud to recognize and honor this highly-esteemed and dedicated educator for nearly a half century of service to the Omaha community.

TRIBUTE TO JULIE TATTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding American, Julie Tatti, who will be recognized on Monday, February 28, 2011, by the Department for Persons with Disabilities (DPD) for her many years of dedicated service to her community. She will be retiring from the role of Executive Director, but she has another important distinction—having been with the DPD for nearly 40 years, she is also its longest tenured staff member.

It is only fitting that she be honored in this, the permanent record of the greatest democracy ever known, for she has brought joy and comfort to many others through her efforts.

Julie was born on April 8, 1948 in Jersey City, to Catharine and Stephen Feehan. She grew up in Bergenfield, NJ and graduated from St. John's Elementary School and the Academy of the Holy Angels. She continued her education, going on to earn a bachelors' degree from the College of St. Elizabeth and a Masters' degree in Special Education from William Paterson University.

She began her service at the Department for Persons with Disabilities nearly four decades ago, working as a counselor and lifeguard at Camp Alexander, the agency's summer camp for the disabled, and then, in 1973, as the coordinator of Special Religious Education. She was responsible for organizing religious education programs for children and adults with disabilities. She went on to become the Director of Wayne House, the second home operated by the DPD.

As the agency grew, Julie transitioned into an administrative role, serving as Associate Executive Director until December 1, 2007 when she was appointed Executive Director. For Julie though, this has not just been a career, but a ministry that has allowed her to achieve spiritual growth and fulfillment through her faith.

Julie has been a dedicated leader and an inspiration to all of the DPD staff members and residents. Julie has truly led by example and has been an active volunteer within the agency for years. She is always there with a helping hand and an ability to assist all involved in the DPD. The agency's programs, as well as the residents and her co-workers, have all thrived under her guidance and through her efforts.

Julie Tatti will always be an important part of the DPD family and her loving impact will always be felt by all who live and work there. Although she is leaving her position as Executive Director, I know her commitment will continue and that she looks forward to having more time to spend with her husband Lou Tatti (who she met in 1972 while working at Camp Alexander), and family, including the residents for whom she cares so much.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Julie Tatti.

Mr. Speaker, I ask that you join our colleagues, the Department for Persons with Disabilities, all of its' residents and volunteers, Julie's family and friends, and me in recognizing Julie Tatti's outstanding service to her community.

TRIBUTE TO MR. DEMETRIUS McCORD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to recognize a man who cares deeply about equality in our society, Mr. Demetrius McCord.

Demetrius is a lifelong resident of the Bronx, New York, who for several years has worked to further the interests of lesbian, gay, bisexual and transgender (LGBT) Americans. Demetrius is currently the Deputy Executive Director of the Bronx Community Pride Center (BCPC), the borough's only exclusive LGBT service-oriented agency. He holds a Bachelor of Arts degree from the University of Scranton and Juris Doctor from Albany Law School of Union University. Prior to his current role, Demetrius served as the BCPC's Director of Development, tasked with enlarging the institution's capacity and donor base. He organizes public forums and community programming across the city; and among his more recent public victories, Demetrius has been instrumental to the success of the annual Bronx Pride Festival.

In addition to his work with the BCPC, Demetrius is the Funding Chair for the annual People of Color Summit, which is sponsored, in part, by the New York State LGBT Health and Human Services Network, a coalition of over fifty LGBT-supportive nonprofit organizations that provide health and social services to LGBT New Yorkers and their families. Demetrius also serves on the Board of the Gay and Lesbian Dominican Empowerment Organization (GALDE), a grassroots organization that serves the city's Dominican and Latino LGBT communities.

Mr. Speaker, not only does Demetrius' work support members of the LGBT community across the city, he helps to articulate why the rights and liberties of LGBT Americans must be equal to anyone else. His work brings us nearer to those principals upon which our nation was founded; of fairness and decency and equality under the law. I am therefore very proud to ask that my colleagues join me in recognizing a young man who aspires to make his community stronger and his country more perfect, Mr. Demetrius McCord.

BARB WARDEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Barb Warden for receiving the Golden Chamber of Commerce Civic award.

This award is given each year to an organization of individuals that have contributed greatly to the quality of life in Golden.

Barb Warden is known to be a behind the scenes kind of person, but her ability to be on the front lines of communication has brought her to the front of the pack. In February 2007, Barb had the vision to create and build www.golden.com. Her main reason to build this website was to promote small businesses and cultural organizations. Today this website is receiving over half million hits a month and growing. "When folks want to know what to do, where to shop, what's happening in Golden, they search on www.golden.com.

More than 30 businesses, non-profit organizations and government agencies have had their websites built by Table Mountain Web Design, the official name of Barb's company.

I extend my deepest congratulations to Barb Warden for this well deserved recognition by the Golden Chamber of commerce. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PAYING TRIBUTE TO SERGEANT MAJOR OF THE ARMY KENNETH O. PRESTON'S 35 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Sergeant Major of the Army

Kenneth O. Preston for his extraordinary dedication to duty and service to the United States of America. Sergeant Major Preston, the 13th Sergeant Major of the Army, will retire from active military duty in March after 35 distinguished years of service to the United States Army.

Sergeant Major of the Army Preston is a native of Mount Savage, Maryland and was born in February 1957. He entered the Army in June of 1975 as a Cavalry Scout, hoping to save enough money for college to become an architect. After serving his first enlistment, he and his family decided to pursue a career in the Army. He has served in every enlisted leadership position including cavalry scout, Platoon Sergeant, First Sergeant, tank commander, and Command Sergeant Major. He was selected as the Command Sergeant Major of the 1st Armored Division and V Corps in Germany. Prior to his current assignment, he was the Command Sergeant Major for Combined Joint Task Force 7 during Operation Iraqi Freedom and was instrumental in executing the invasion into Iraq.

Kenneth Preston has been awarded numerous personal awards and decorations during his career. The Legion of Merit Medal (with oak leaf cluster), the Bronze Star Medal, the Meritorious Service Medal (with three oak leaf clusters), the Joint Service Commendation Medal, the Army Commendation Medal (with three oak leaf clusters), the Army Achievement Medal (with two oak leaf clusters), the Army Good Conduct Medal (with silver knot and three bronze knots), the National Defense Service Ribbon (with one bronze service star), the Southwest Asia Service Medal, the Kosovo Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Non-Commissioned Officer Professional Development Ribbon (with award numeral 4), the Army Service Ribbon, the Overseas Ribbons (with award numeral four), the NATO Medal, the Kuwait Liberation Medal (Government of Kuwait), the Joint Meritorious Unit Award (with oak leaf cluster), the Army Meritorious Unit Commendation, and the Department of the Army Staff Badge.

Mr. Speaker, It has been a pleasure to work closely with Sergeant Major Preston over the last seven years of his career as he has served in the highest enlisted position attainable in the Army. He has proven himself to be a tremendous wartime leader who demonstrated unselfish devotion to the Nation and the soldiers he leads. He has been a friend and trusted advisor to my colleagues and I on the Appropriations Committee as he worked tirelessly to restore balance to a force stressed by the demands of the war on terrorism. He was instrumental in significantly improving our Soldiers' uniform, equipment—and most importantly—professional Non-Commissioned Officer Education System. The impact of his efforts will benefit the Army for decades to come. His personal leadership contributed to building the most professional Non-Commissioned Officer Corps in the world. As the highest enlisted Soldier, he ensured our Soldiers remained true to the core Army Values: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage. His focus on adherence to discipline and high upkeep of Army standards have led to the successful execution of wars in Iraq and Afghanistan.

Sergeant Major of the Army Preston and Chief of the Staff of the Army General George Casey Jr. worked together tirelessly to increase support for families by implementing the Army Family Covenant and the Army Community Covenant to expand and improve services and raise awareness about the unique challenges military families face. His observations and advice to the Army leadership have impacted the decisions to implement the most comprehensive transformation of the Army since World War II, building versatile and modular units capable of conducting a full-spectrum of operations.

This Non-Commissioned Officer has continued the traditions of the Best Warrior Competition that was introduced in 2002. He ensured that Soldiers from any military occupational specialty, male or female, could compete and win. The motivation, discipline and focus of these competitors, from across the Army, is a direct result of his presence, support and leadership.

Sergeant Major of the Army Preston's most important contribution was through his direct involvement with the Non-Commissioned Officer Professional Development Education System. He oversaw the greatest transformation of the Non-Commissioned Officer Education System since its advent. He encouraged distributed learning, allowing Soldiers the capability of taking classes online, affording them more time at home with their families. The Advanced and Senior Leader Courses are now closer in line with what our leaders require in Afghanistan and Iraq. With the introduction of the Structured Self-Development online module system, Soldiers are ensured the best training and education.

Kenneth Preston is an American hero who has been selfless in his service to the Nation through war, peace, and personal trial. His performance and accomplishments throughout his long and distinguished career have left a legacy of training, professional education, and care for families that is without equal. When history looks back at the 13th Sergeant Major of the Army, it will be clear that his abilities as a trainer, leader and senior enlisted advisor were a fitting tribute to the professionalism of the best Non-Commissioned Officer Corps in the world.

Mr. Speaker, On behalf of a grateful Nation, I join my colleagues today in saying thank you to Sergeant Major of the Army Kenneth O. Preston for his extraordinary dedication to duty and service to this country throughout his distinguished career in the United States Army and we wish him all the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. McINTYRE. Mr. Speaker, during rollcall vote Number 92 (Kline Amendment No. 214) on H.R. 1, I mistakenly recorded my vote as "no" when I should have voted "yes."

HONORING WILLIAM THEODORE "BILL" KIRBY

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and legacy of William Theodore "Bill" Kirby.

Off of Triangle Road in Mariposa County, CA, is Kirby Peak. The peak is named in honor of Bill's 1933 volunteer effort to save this land from a forest fire. As the firemen worked to contain the fire, their resupply line was stretched due to the tough terrain. Bill, a teenager at the time, volunteered to work with others in the pack crew. He led a mule train to the fire with much needed supplies for the firemen and assisted in the firefight.

Like many in his generation, Bill came when called to serve the war effort. He spent World War II aboard the SS *Marcus Daly*—a merchant marine ship. The *Daly* was not only one of the first ships into the Philippines, but also received the Merchant Marine Gallant Ship Citation Ribbon. Bill himself received a personal citation for his bravery after the *Daly* was attacked.

Following the war Bill returned to Merced and founded, along with his father and brother, Kirby Manufacturing, a maker of farm machinery and equipment. Kirby Manufacturing has expanded into a global producer and was the first American manufacturer to sell farm equipment to China following normalization. Kirby equipment is also used to load and maintain Air Force One.

Even while running a multinational manufacturer, Bill found a way to be a pillar of our community. He was a Scoutmaster, an Elk, and a Mason. He served as President of the Merced County Chamber of Commerce, the Merced County Fair Board, and the Merced County Historical Society. As a testament to his influence, every year people around the community participate in "The Bill Kirby Annual Historical Society BBQ."

Mr. Speaker, please join me in honoring Bill Kirby and his many contributions to California and the Nation. May we keep him and those he left behind in our hearts and prayers.

PERSONAL EXPLANATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PETERS. Mr. Speaker, due to a family medical emergency, I had to return to Michigan on the evening of February 18. I was unable to be present to cast my vote on a series of amendments to H.R. 1, as well as on final passage of this bill. I wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 104, I would have voted "no."

Had I been present for rollcall No. 105, I would have voted "no."

Had I been present for rollcall No. 106, I would have voted "no."

Had I been present for rollcall No. 107, I would have voted "no."

Had I been present for rollcall No. 108, I would have voted "no."

Had I been present for rollcall No. 109, I would have voted "aye."

Had I been present for rollcall No. 110, I would have voted "no."

Had I been present for rollcall No. 111, I would have voted "no."

Had I been present for rollcall No. 112, I would have voted "no."

Had I been present for rollcall No. 113, I would have voted "no."

Had I been present for rollcall No. 114, I would have voted "aye."

Had I been present for rollcall No. 115, I would have voted "no."

Had I been present for rollcall No. 116, I would have voted "aye."

Had I been present for rollcall No. 117, I would have voted "aye."

Had I been present for rollcall No. 118, I would have voted "no."

Had I been present for rollcall No. 119, I would have voted "no."

Had I been present for rollcall No. 120, I would have voted "no."

Had I been present for rollcall No. 121, I would have voted "no."

Had I been present for rollcall No. 122, I would have voted "no."

Had I been present for rollcall No. 123, I would have voted "no."

Had I been present for rollcall No. 124, I would have voted "aye."

Had I been present for rollcall No. 125, I would have voted "aye."

Had I been present for rollcall No. 126, I would have voted "no."

Had I been present for rollcall No. 127, I would have voted "no."

Had I been present for rollcall No. 128, I would have voted "no."

Had I been present for rollcall No. 129, I would have voted "no."

Had I been present for rollcall No. 130, I would have voted "no."

Had I been present for rollcall No. 131, I would have voted "aye."

Had I been present for rollcall No. 132, I would have voted "no."

Had I been present for rollcall No. 133, I would have voted "no."

Had I been present for rollcall No. 134, I would have voted "aye."

Had I been present for rollcall No. 135, I would have voted "no."

Had I been present for rollcall No. 136, I would have voted "no."

Had I been present for rollcall No. 137, I would have voted "no."

Had I been present for rollcall No. 138, I would have voted "no."

Had I been present for rollcall No. 139, I would have voted "no."

Had I been present for rollcall No. 140, I would have voted "no."

Had I been present for rollcall No. 141, I would have voted "no."

Had I been present for rollcall No. 142, I would have voted "aye."

Had I been present for rollcall No. 143, I would have voted "no."

Had I been present for rollcall No. 144, I would have voted "no."

Had I been present for rollcall No. 145, I would have voted "no."

Had I been present for rollcall No. 146, the Democratic Motion to Recommit H.R. 1, I would have voted "aye."

Had I been present for rollcall No. 147, Final Passage of H.R. 1, I would have voted "no." While I believe deficit reduction must be a top priority for Congress, and I have introduced legislation that would trim tens of billions of dollars from our deficits over the coming years, I believe H.R. 1 makes extreme cuts that put continued economic recovery and job creation at risk. Even if successfully enacted, H.R. 1 would only cut our projected deficit for fiscal year 2011 by about 4 percent. What is really needed is a comprehensive, long term deficit reduction plan that gets our fiscal house in order while maintaining programs that create jobs and keep us competitive in the global marketplace.

DISCOVERY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. OLSON. Mr. Speaker, I submit the following:

Discovery!
This, her final quest!
As on this your final voyage, now so left . . . .
As through the years, as you went forth . . . . with all of your best!
To news worlds, with all of your dreams unfurled . . . .
Daring so boldly, but To Be The Best!
And to all of those lives lost, and all those most swollen tears . . . . this cost!
Who to us the very meaning of courage, so taught!
Space!
The Final Frontier!
Hurdling through space, but on the edge . . . . the very edge of death as wrought!
All in your most heroic quests!
As have, all of your most courageous hearts and souls . . . . so here no less!
Hearts and souls!
Who, all of you our very futures hold!
To Discovery!
These mysteries and answers, that we have so left!
To new worlds, and new distant shores!
To Discover . . . . To Move So Gallantly Forth, To Explore!
As have you, and all of yours!
And all of those, fine women and men....
Who have so helped, so helped all of you up to send....
To send, all up in outer space!
All but to so save this, this the human race!
As upon you, most courageous explorers . . . . all our futures so depend!
For only through you can we so learn, and grow . . . . and to new heights so ascend!
For as long as we have such Brave Heart's as yours, who so heroically so go forth!
And reach for the stars!
Who So Go Forth, to new worlds and far away most distance shores!
To Discover, what so lies left . . . .
All out there, on but that very edge . . . . that edge of death!
To all of Man and Womankind, to so bless!
God Speed, to all of you on this your most final heroic quest!
All in this your final voyage . . . . final journey no less!
To Discover!
As to new heights, as your most magnificent souls so crest!
To Discovery, and all of its gifts!

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WOOLSEY. Mr. Speaker, on February 18, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 94. Had I been present I would have voted:

Rollcall No. 94: no—Young of Alaska Amendment No. 533.

PRESIDENT OBAMA'S DECISION TO STOP DEFENDING DOMA

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. FOXX. Mr. Speaker, President Obama's decision to halt the federal government's defense of a congressionally enacted law, the Defense of Marriage Act, is a great disappointment. When the Attorney General and President of the United States take it upon themselves to determine which laws are worth defending and which are not, they are undermining the law-making role of Congress and the law-reviewing role of the courts. There is a reason it's called judicial review, not executive review.

The President should not be picking and choosing which laws to enforce. If Congress passes a law and the courts have not deemed it unconstitutional, it is the executive branch's responsibility to defend and uphold that law, whether or not the chief executive agrees with the premise of that law. To do otherwise sets a very bad precedent.

Plus, this raises questions about the President's insistence on moving forward with last year's health care overhaul law. After all, unlike DOMA, this law has already been deemed unconstitutional by more than one federal judge.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Mr. ROGERS of Kentucky. Mr. Chair, pursuant to section 8119 of Division A of H.R. 1 as passed the House on February 18, 2011 Chairman ROGERS submits the following explanatory statement:

REPROGRAMMING GUIDANCE

For fiscal year 2011, the Department of Defense is directed to adhere to the definition of Program, Project and Activity, and to follow the guidance for Congressional Special Interest Items, Reprogrammings, Reprogramming Reporting Requirements, and

Funding Increases, as specified in the Explanatory Statement, Division A, Department of Defense Appropriations Act Fiscal Year 2010, Public Law 111–118.

CLASSIFIED ANNEX

A classified annex accompanying this Act will be forwarded under separate cover.

(Rescissions)

Language is included that rescinds $1,113,536,000 from the following programs:

2009 Appropriations:	
Weapons and Tracked Combat Vehicles, Army:	
Future Combat Systems	$86,300,000
Other Procurement, Army:	
Armored Security Vehicles	55,000,000
Force XXII Battle Command Brigade and Below	30,600,000
Semi-trailers, Flatbed	62,000,000
Aircraft Procurement, Navy:	
KC–130J	12,000,000
F/A–18E/F	14,100,000
Aircraft Procurement, Air Force:	
Global Hawk excess funds	49,000,000
C–130 AMP	31,900,000
HC/MC updated pricing	36,000,000
2010 Appropriations:	
Aircraft Procurement, Army:	
Tactical SIGINT Payload	14,000,000
Weapons and Tracked Combat Vehicles, Army:	
Future Combat Systems spin-outs	19,600,000
Improved Recovery Vehicle	8,700,000
MK–19 Grenade Machine Gun Modifications	7,700,000
Missile Procurement, Army:	
GMLRS	9,171,000
Aircraft Procurement, Navy:	
EA–18G MYP savings	89,120,000
F/A–18E/F MYP savings	72,727,000
F–18 Series ECO	17,000,000
E–6 Series	6,000,000
Procurement of Ammunition, Navy and Marine Corps:	
General Purpose Bombs	11,576,000
Shipbuilding and Conversion, Navy:	
DDG–51 main reduction gear savings	22,000,000
Other Procurement, Navy:	
Minesweeping System Replacement	5,400,000
Aircraft Launch Recovery	3,642,000
Aircraft Procurement, Air Force:	
B–2A	5,900,000
B–52	39,300,000
C–17 Modifications	12,200,000
C–130J updated pricing	7,000,000
C–130 AP updated pricing	15,100,000
HC/MC–130 AP	46,900,000
HC/MC–130 updated pricing	13,200,000
Initial Spares—Joint Stars Re-engining	11,700,000
Other Procurement, Air Force:	
FAB–T	36,600,000
Research, Development, Test and Evaluation, Army:	
Aircraft Avionics—JTRS AMF	10,200,000
HFDS	15,000,000
Future Combat System—Class IV UAV Program of Record	12,000,000
TUAV—TSP	16,300,000
Research, Development, Test and Evaluation, Air Force:	
B–2	90,000,000
Classified Program	10,000,000
Alternative Fuels	10,000,000
Small Diameter Bomb	22,000,000
Engine CIP	15,000,000
JSTARS	14,600,000
RQ–4 UAV	18,000,000
C–5 Airlift Squadrons	19,000,000
Research, Development, Test and Evaluation, Defense-Wide:	
BMD Hercules	10,000,000

M–1	Budget Request	Recommendation
MILITARY PERSONNEL, ARMY		
BA–1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	6,392,861	6,392,861
RETIRED PAY ACCRUAL	2,088,308	2,088,308
BASIC ALLOWANCE FOR HOUSING	1,854,718	1,854,718
BASIC ALLOWANCE FOR SUBSISTENCE	255,925	255,925
INCENTIVE PAYS	97,698	97,698
SPECIAL PAYS	300,939	300,939
ALLOWANCES	198,601	198,601
SEPARATION PAY	61,798	61,798
SOCIAL SECURITY TAX	487,469	487,469
TOTAL, BA–1	11,738,317	11,738,317
BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	13,682,488	13,682,488
RETIRED PAY ACCRUAL	4,470,859	4,470,859
BASIC ALLOWANCE FOR HOUSING	4,395,850	4,395,850
INCENTIVE PAYS	102,851	102,851
SPECIAL PAYS	1,269,047	1,129,047
Enlistment Bonuses—Excess to Requirement		−40,000
Re-enlistment Bonuses—Excess to Requirement		−100,000
ALLOWANCES	806,471	806,471
SEPARATION PAY	255,127	255,127
SOCIAL SECURITY TAX	1,046,710	1,046,710
TOTAL, BA–2	26,029,403	25,889,403
BA–3: PAY AND ALLOWANCES OF CADETS		
ACADEMY CADETS	74,773	74,773
TOTAL, BA–3	74,773	74,773
BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	1,313,309	1,313,309
SUBSISTENCE-IN-KIND	817,691	817,691
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	748	748
TOTAL, BA–4	2,131,748	2,131,748
BA–5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	202,699	202,699
TRAINING TRAVEL	142,749	142,749
OPERATIONAL TRAVEL	494,937	494,937
ROTATIONAL TRAVEL	674,831	674,831
SEPARATION TRAVEL	198,439	198,439
TRAVEL OF ORGANIZED UNITS	12,137	12,137
NON-TEMPORARY STORAGE	12,639	12,639
TEMPORARY LODGING EXPENSE	38,931	38,931
TOTAL, BA–5	1,777,362	1,777,362
BA–6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	2,233	2,233
INTEREST ON UNIFORMED SERVICES SAVINGS	648	648
DEATH GRATUITIES	45,500	45,500
UNEMPLOYMENT BENEFITS	188,778	188,778
EDUCATION BENEFITS	30,879	30,879
ADOPTION EXPENSES	610	610
TRANSPORTATION SUBSIDY	8,007	8,007
PARTIAL DISLOCATION ALLOWANCE	338	338
RESERVE OFFICERS TRAINING CORPS (ROTC)	138,731	138,731
JUNIOR ROTC	50,201	50,201
TOTAL, BA–6	465,925	465,925
LESS REIMBURSABLES	−245,251	−245,251
UNDISTRIBUTED ADJUSTMENTS	0	−789,624
Undistributed Transfer to Title IX		−789,624

M–1	Budget Request	Recommendation
TOTAL, MILITARY PERSONNEL, ARMY	41,972,277	41,042,653
MILITARY PERSONNEL, NAVY		
BA–1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	3,680,703	3,680,703
RETIRED PAY ACCRUAL	1,202,462	1,202,462
BASIC ALLOWANCE FOR HOUSING	1,263,675	1,263,675
BASIC ALLOWANCE FOR SUBSISTENCE	143,344	143,344
INCENTIVE PAYS	155,148	155,148
SPECIAL PAYS	355,821	355,821
ALLOWANCES	104,291	104,291
SEPARATION PAY	25,353	25,353
SOCIAL SECURITY TAX	278,666	278,666
TOTAL, BA–1	7,209,463	7,209,463
BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	8,257,803	8,257,803
RETIRED PAY ACCRUAL	2,700,204	2,700,204
BASIC ALLOWANCE FOR HOUSING	3,682,915	3,682,915
INCENTIVE PAYS	100,499	100,499
SPECIAL PAYS	839,787	814,787
Re-enlistment Bonuses—Excess to Requirement		−5,000
Enlistment Bonuses—Excess to Requirement		−20,000
ALLOWANCES	498,621	498,621
SEPARATION PAY	127,343	127,343
SOCIAL SECURITY TAX	631,722	631,722
TOTAL, BA–2	16,838,894	16,813,894
BA–3: PAY AND ALLOWANCES OF MIDSHIPMEN		
MIDSHIPMEN	74,950	74,950
TOTAL, BA–3	74,950	74,950
BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	685,085	685,085
SUBSISTENCE-IN-KIND	419,333	419,333
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	12	12
TOTAL, BA–4	1,104,430	1,104,430
BA–5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	76,220	76,220
TRAINING TRAVEL	71,814	71,814
OPERATIONAL TRAVEL	219,685	219,685
ROTATIONAL TRAVEL	354,275	354,275
SEPARATION TRAVEL	103,806	103,806
TRAVEL OF ORGANIZED UNITS	39,368	39,368
NON-TEMPORARY STORAGE	5,760	5,760
TEMPORARY LODGING EXPENSE	6,386	6,386
OTHER	6,406	6,406
TOTAL, BA–5	883,720	883,720
BA–6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	261	261
INTEREST ON UNIFORMED SERVICES SAVINGS	1,427	1,427
DEATH GRATUITIES	17,700	17,700
UNEMPLOYMENT BENEFITS	88,350	88,350
EDUCATION BENEFITS	21,515	21,515
ADOPTION EXPENSES	271	271
TRANSPORTATION SUBSIDY	8,030	8,030
PARTIAL DISLOCATION ALLOWANCE	190	190
RESERVE OFFICERS TRAINING CORPS (ROTC)	27,345	27,345
JUNIOR R.O.T.C	14,093	14,093
TOTAL, BA–6	179,182	179,182
LESS REIMBURSABLES	−339,690	−339,690
UNDISTRIBUTED ADJUSTMENT	0	−13,500
Unobligated/Unexpended Balances		−13,500
TOTAL, MILITARY PERSONNEL, NAVY	25,950,949	25,912,449
MILITARY PERSONNEL, MARINE CORPS		
BA–1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	1,433,200	1,433,200
RETIRED PAY ACCRUAL	465,072	465,072
BASIC ALLOWANCE FOR HOUSING	462,438	462,438
BASIC ALLOWANCE FOR SUBSISTENCE	59,613	59,613
INCENTIVE PAYS	50,011	50,011
SPECIAL PAYS	27,921	27,921
ALLOWANCES	34,404	34,404
SEPARATION PAY	13,299	13,299
SOCIAL SECURITY TAX	109,014	109,014
TOTAL, BA–1	2,654,972	2,654,972
BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	4,910,560	4,910,560
RETIRED PAY ACCRUAL	1,591,322	1,591,322
BASIC ALLOWANCE FOR HOUSING	1,660,161	1,660,161
INCENTIVE PAYS	9,158	9,158
SPECIAL PAYS	288,654	288,654
ALLOWANCES	278,060	278,060
SEPARATION PAY	65,101	65,101
SOCIAL SECURITY TAX	372,411	372,411
TOTAL, BA–2	9,175,427	9,175,427
BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	489,789	489,789
SUBSISTENCE-IN-KIND	324,565	324,565
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750
TOTAL, BA–4	815,104	815,104
BA–5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	79,378	79,378
TRAINING TRAVEL	10,079	10,079
OPERATIONAL TRAVEL	239,442	239,442
ROTATIONAL TRAVEL	115,330	115,330
SEPARATION TRAVEL	55,528	55,528
TRAVEL OF ORGANIZED UNITS	742	742
NON-TEMPORARY STORAGE	6,305	6,305
TEMPORARY LODGING EXPENSE	13,818	13,818
OTHER	2,683	2,683
TOTAL, BA–5	523,305	523,305
BA–6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	1,823	1,823
INTEREST ON UNIFORMED SERVICES SAVINGS	19	19
DEATH GRATUITIES	17,200	17,200
UNEMPLOYMENT BENEFITS	69,359	69,359

M–1		Budget Request	Recommendation
	EDUCATION BENEFITS	4,249	4,249
	ADOPTION EXPENSES	159	159
	TRANSPORTATION SUBSIDY	2,853	2,853
	PARTIAL DISLOCATION ALLOWANCE	278	278
	JUNIOR R.O.T.C.	5,573	5,573
	TOTAL, BA–6	101,513	101,513
	LESS REIMBURSABLES	−20,160	−20,160
	UNDISTRIBUTED ADJUSTMENT	0	−40,000
	Unobligated/Unexpended Balances		−40,000
	TOTAL, MILITARY PERSONNEL, MARINE CORPS	13,250,161	13,210,161
	MILITARY PERSONNEL, AIR FORCE		
	BA–1: PAY AND ALLOWANCES OF OFFICERS		
	BASIC PAY	4,687,593	4,687,593
	RETIRED PAY ACCRUAL	1,522,644	1,522,644
	BASIC ALLOWANCE FOR HOUSING	1,347,403	1,347,403
	BASIC ALLOWANCE FOR SUBSISTENCE	182,253	182,253
	INCENTIVE PAYS	239,121	239,121
	SPECIAL PAYS	322,642	322,642
	ALLOWANCES	128,157	128,157
	SEPARATION PAY	64,974	64,974
	SOCIAL SECURITY TAX	355,711	355,711
	TOTAL, BA–1	8,850,498	8,850,498
	BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
	BASIC PAY	8,540,083	8,540,083
	RETIRED PAY ACCRUAL	2,781,402	2,781,402
	BASIC ALLOWANCE FOR HOUSING	3,038,904	3,038,904
	INCENTIVE PAYS	36,980	36,980
	SPECIAL PAYS	396,103	380,103
	Re-enlistment Bonuses—Excess to Requirement		−16,000
	ALLOWANCES	570,857	570,857
	SEPARATION PAY	124,411	124,411
	SOCIAL SECURITY TAX	653,317	653,317
	TOTAL, BA–2	16,142,057	16,126,057
	BA–3: PAY AND ALLOWANCES OF CADETS		
	ACADEMY CADETS	75,383	75,383
	TOTAL, BA–3	75,383	75,383
	BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
	BASIC ALLOWANCE FOR SUBSISTENCE	872,055	872,055
	SUBSISTENCE-IN-KIND	169,924	169,924
	FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	37	37
	TOTAL, BA–4	1,042,016	1,042,016
	BA–5: PERMANENT CHANGE OF STATION		
	ACCESSION TRAVEL	87,377	87,377
	TRAINING TRAVEL	72,521	72,521
	OPERATIONAL TRAVEL	296,604	296,604
	ROTATIONAL TRAVEL	505,198	505,198
	SEPARATION TRAVEL	176,549	176,549
	TRAVEL OF ORGANIZED UNITS	23,561	23,561
	NON-TEMPORARY STORAGE	40,772	40,772
	TEMPORARY LODGING EXPENSE	28,936	28,936
	TOTAL, BA–5	1,231,518	1,231,518
	BA–6: OTHER MILITARY PERSONNEL COSTS		
	APPREHENSION OF MILITARY DESERTERS	131	131
	INTEREST ON UNIFORMED SERVICES SAVINGS	2,179	2,179
	DEATH GRATUITIES	19,900	19,900
	UNEMPLOYMENT BENEFITS	49,143	49,143
	SURVIVOR BENEFITS	1,760	1,760
	EDUCATION BENEFITS	484	484
	ADOPTION EXPENSES	395	395
	TRANSPORTATION SUBSIDY	6,903	6,903
	PARTIAL DISLOCATION ALLOWANCE	1,578	1,578
	RESERVE OFFICERS TRAINING CORPS (ROTC)	45,571	45,571
	JUNIOR ROTC	16,185	16,185
	TOTAL, BA–6	144,229	144,229
	LESS REIMBURSABLES	−363,946	−363,946
	TOTAL, MILITARY PERSONNEL, AIR FORCE	27,121,755	27,105,755
	RESERVE PERSONNEL, ARMY		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	1,249,133	1,249,133
	PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	44,460	36,460
	Projected Underexecution		−8,000
	PAY GROUP F TRAINING (RECRUITS)	268,215	268,215
	PAY GROUP P TRAINING (PIPELINE RECRUITS)	8,830	8,830
	MOBILIZATION TRAINING	21,460	10,460
	Projected Underexecution		−11,000
	SCHOOL TRAINING	177,121	177,121
	SPECIAL TRAINING	293,439	283,439
	Excessive Growth		−10,000
	ADMINISTRATION AND SUPPORT	2,129,646	2,129,646
	EDUCATION BENEFITS	57,633	57,633
	HEALTH PROFESSION SCHOLARSHIP	66,940	66,940
	OTHER PROGRAMS	80,288	80,288
	TOTAL, BA–1	4,397,165	4,368,165
	UNDISTRIBUTED ADJUSTMENT	0	−35,000
	Unobligated/Unexpended Balances		−35,000
	TOTAL, RESERVE PERSONNEL, ARMY	4,397,165	4,333,165
	RESERVE PERSONNEL, NAVY		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	626,657	626,657
	PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	9,070	9,070
	PAY GROUP F TRAINING (RECRUITS)	45,603	45,603
	MOBILIZATION TRAINING	8,434	8,434
	SCHOOL TRAINING	45,930	45,930
	SPECIAL TRAINING	89,647	89,647
	ADMINISTRATION AND SUPPORT	1,061,128	1,061,128
	EDUCATION BENEFITS	3,780	3,780
	HEALTH PROFESSION SCHOLARSHIP	53,942	53,942
	TOTAL, BA–1	1,944,191	1,944,191
	UNDISTRIBUTED ADJUSTMENT	0	−4,000
	Unobligated/Unexpended Balances		−4,000
	TOTAL, RESERVE PERSONNEL, NAVY	1,944,191	1,940,191

M–1		Budget Request	Recommendation
	RESERVE PERSONNEL, MARINE CORPS		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	196,974	196,974
	PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	36,116	36,116
	PAY GROUP F TRAINING (RECRUITS)	96,138	96,138
	MOBILIZATION TRAINING	3,724	3,724
	SCHOOL TRAINING	16,810	16,810
	SPECIAL TRAINING	27,688	27,688
	ADMINISTRATION AND SUPPORT	216,537	216,537
	PLATOON LEADER CLASS	12,256	12,256
	EDUCATION BENEFITS	11,198	11,198
	TOTAL, BA–1	617,441	617,441
	UNDISTRIBUTED ADJUSTMENTS	0	−5,250
	Unobligated/Unexpended Balances		−1,250
	MIP Marine Corps Reserve Intelligence Program		−4,000
	TOTAL, RESERVE PERSONNEL, MARINE CORPS	617,441	612,191
	RESERVE PERSONNEL, AIR FORCE		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	670,341	670,341
	PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	101,951	101,951
	PAY GROUP F TRAINING (RECRUITS)	54,850	54,850
	PAY GROUP P TRAINING (PIPELINE RECRUITS)	50	50
	MOBILIZATION TRAINING	447	447
	SCHOOL TRAINING	163,272	163,272
	SPECIAL TRAINING	243,233	243,233
	ADMINISTRATION AND SUPPORT	378,772	378,772
	EDUCATION BENEFITS	18,295	18,295
	HEALTH PROFESSION SCHOLARSHIP	51,331	51,331
	OTHER PROGRAMS (ADMINISTRATION and SUPPORT)	4,255	4,255
	TOTAL, BA–1	1,686,797	1,686,797
	UNDISTRIBUTED ADJUSTMENTS	0	−36,000
	Unobligated/Unexpended Balances		−15,000
	Below Budgeted End Strength		−21,000
	TOTAL, RESERVE PERSONNEL, AIR FORCE	1,686,797	1,650,797
	NATIONAL GUARD PERSONNEL, ARMY		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	2,010,867	1,980,867
	Unjustified Growth		−30,000
	PAY GROUP F TRAINING (RECRUITS)	510,859	510,859
	PAY GROUP P TRAINING (PIPELINE RECRUITS)	71,222	71,222
	SCHOOL TRAINING	577,600	577,600
	SPECIAL TRAINING	534,954	521,954
	Recruiter Mandays—Excess to Requirement		−13,000
	ADMINISTRATION AND SUPPORT	3,788,954	3,788,954
	EDUCATION BENEFITS	129,840	129,840
	TOTAL, BA–1	7,624,296	7,581,296
	UNDISTRIBUTED ADJUSTMENTS	0	−70,000
	Unobligated/Unexpended Balances		−70,000
	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	7,624,296	7,511,296
	NATIONAL GUARD PERSONNEL, AIR FORCE		
	BA–1: RESERVE COMPONENT TRAINING AND SUPPORT		
	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	939,636	931,636
	Inactive Duty Training—Unjustified Growth		−8,000
	PAY GROUP F TRAINING (RECRUITS)	99,839	99,839
	PAY GROUP P TRAINING (PIPELINE RECRUITS)	298	298
	SCHOOL TRAINING	209,944	209,944
	SPECIAL TRAINING	131,226	131,226
	ADMINISTRATION AND SUPPORT	1,692,112	1,682,112
	Bonuses—Unjustified Requirement		−10,000
	EDUCATION BENEFITS	30,543	30,543
	TOTAL, BA–1	3,103,598	3,085,598
	UNDISTRIBUTED ADJUSTMENTS	0	−25,500
	Unobligated/Unexpended Balances		−17,500
	Lower than Budgeted Pay Grade Mix		−8,000
	TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	3,103,598	3,060,098
	TOTAL, MILITARY PERSONNEL	127,668,630	126,378,756

O–1		Budget Request	Recommendation
	OPERATION AND MAINTENANCE, ARMY		
111	MANEUVER UNITS	1,087,321	1,087,321
112	MODULAR SUPPORT BRIGADES	114,448	113,790
	Deployment Offset	–	−658
113	ECHELONS ABOVE BRIGADES	773,540	769,338
	Deployment Offset	–	−4,202
114	THEATER LEVEL ASSETS	794,806	767,727
	Aircraft Lease for Casualty Evacuation Funded in fiscal year 2011 OCO	–	−18,500
	Transfer to Title IX—Chemical Defense Equipment Sustainment	–	−8,579
115	LAND FORCES OPERATIONS SUPPORT	1,399,332	1,392,912
	Transfer to Title IX—MRAP Vehicle Sustainment at Combat Training Centers	–	−6,420
116	AVIATION ASSETS	897,666	867,666
	Deployment Offset	–	−30,000
121	FORCE READINESS OPERATIONS SUPPORT	2,520,995	2,314,041
	Unjustified Increase for Travel	–	−91,000
	Removal of One-Time fiscal year 2010 Costs	–	−35,000
	Transfer to Title IX—Body Armor Sustainment	–	−71,660
	Transfer to Title IX—Rapid Equipping Force Readiness	–	−9,294
122	LAND FORCES SYSTEMS READINESS	596,117	574,946
	Transfer to Title IX—Fixed Wing Life Cycle Contract Support		−21,171
123	LAND FORCES DEPOT MAINTENANCE	890,122	950,122
	UH-60 A to L Conversions	–	+60,000
131	BASE OPERATIONS SUPPORT	7,563,566	7,281,191
	Transfer from the Defense Health Program for Centralized Management of the Substance Abuse Program	–	+30,625
	Army Tenant Pentagon Rent Requirements	–	−33,000
	Reduced Requirement for Collateral Equipment in fiscal year 2011	–	−50,000
	Transfer to Title IX—Overseas Security Guards	–	−200,000
	Transfer to Title IX—Senior Leader Initiative—Comprehensive Soldier Fitness Program	–	−30,000
132	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,500,892	2,500,892
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	390,004	390,004
134	COMBATANT COMMANDER'S CORE OPERATIONS	167,758	167,758
138	COMBATANT COMMANDER'S DIRECT MISSION SUPPORT	464,851	464,851

O–1		Budget Request	Recommendation
	SUBTOTAL, BUDGET ACTIVITY 1	20,161,418	19,642,559
211	STRATEGIC MOBILITY	333,266	333,266
212	ARMY PREPOSITIONED STOCKS	102,240	102,240
213	INDUSTRIAL PREPAREDNESS	5,736	5,736
	SUBTOTAL, BUDGET ACTIVITY 2	441,242	441,242
311	OFFICER ACQUISITION	129,902	129,902
312	RECRUIT TRAINING	74,705	74,705
313	ONE STATION UNIT TRAINING	63,223	63,223
314	SENIOR RESERVE OFFICER TRAINING CORPS	479,343	479,343
321	SPECIALIZED SKILL TRAINING	1,082,517	1,027,334
	Unjustified Growth in Supply and Equipment Purchases		−40,000
	Transfer to Title IX—Survivability and Maneuverability Training		−15,183
322	FLIGHT TRAINING	1,046,124	1,032,124
	Budget Justification Does not Match Summary of Price and Program Changes		−14,000
323	PROFESSIONAL DEVELOPMENT EDUCATION	163,607	163,607
324	TRAINING SUPPORT	695,200	695,200
331	RECRUITING AND ADVERTISING	544,014	524,014
	Budget Justification Does not Match Summary of Price and Program Changes		−20,000
332	EXAMINING	153,091	153,091
333	OFF-DUTY AND VOLUNTARY EDUCATION	241,170	241,170
334	CIVILIAN EDUCATION AND TRAINING	220,771	220,771
335	JUNIOR RESERVE OFFICER TRAINING CORPS	175,347	183,347
	Program Increase—Junior ROTC		+8,000
	SUBTOTAL, BUDGET ACTIVITY 3	5,069,014	4,987,831
411	SECURITY PROGRAMS	1,030,355	1,030,355
421	SERVICEWIDE TRANSPORTATION	587,952	557,826
	First Destination Transportation Cost of New Equipment is Financed in the Cost of Equipment		−30,126
422	CENTRAL SUPPLY ACTIVITIES	669,853	669,853
423	LOGISTIC SUPPORT ACTIVITIES	503,876	503,876
424	AMMUNITION MANAGEMENT	435,020	435,020
431	ADMINISTRATION	912,355	902,355
	Unjustified Growth for Headquarters Accounts		−10,000
432	SERVICEWIDE COMMUNICATIONS	1,528,371	1,528,371
433	MANPOWER MANAGEMENT	368,480	328,480
	Unsupported Request for 712 Temporary Hires		−40,000
434	OTHER PERSONNEL SUPPORT	261,829	261,829
435	OTHER SERVICE SUPPORT	1,145,902	1,149,822
	Capitol 4th		+3,920
436	ARMY CLAIMS ACTIVITIES	205,967	205,967
437	REAL ESTATE MANAGEMENT	168,664	168,664
441	INTERNATIONAL MILITARY HEADQUARTERS	462,488	476,888
	Outfitting of NATO SOF Headquarters Building		+14,400
442	MISCELLANEOUS SUPPORT OF OTHER NATIONS	19,179	16,179
	Information Operations		−3,000
	SUBTOTAL, BUDGET ACTIVITY 4	8,300,291	8,235,485
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		−1,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY	33,971,965	33,306,117
	OPERATION AND MAINTENANCE, NAVY		
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	4,429,832	4,429,832
1A2A	FLEET AIR TRAINING	81,345	1,605,720
	Transfer of Fleet Air Training funding from SAG 3B2K		+958,200
	Unjustified Administrative Overhead Cost Growth		−4,225
	Transfer of Chief of Naval Air Training from SAG 3B2K		+570,400
1A3A	AVIATION TECHNICAL DATA AND ENGINEERING SERVICES	38,932	38,932
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	100,485	100,485
1A4N	AIR SYSTEMS SUPPORT	355,520	355,520
1A5A	AIRCRAFT DEPOT MAINTENANCE	1,221,410	1,221,410
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	27,448	27,448
1B1B	MISSION AND OTHER SHIP OPERATIONS	3,696,913	3,666,913
	Unjustified Growth in Per Diem Days		−30,000
1B2B	SHIP OPERATIONS SUPPORT AND TRAINING	728,983	728,983
1B4B	SHIP DEPOT MAINTENANCE	4,761,670	4,761,670
1B5B	SHIP DEPOT OPERATIONS SUPPORT	1,344,844	1,338,844
	Transfer to RDTE, DW per Memorandum of Agreement		−1,500
	NAVSEA Process Requirements and Improvement Office Budget Realignment and Consolidation Justified as Program Growth		−4,500
1C1C	COMBAT COMMUNICATIONS	615,069	550,069
	Overstatement of DISA Pricing Adjustment		−65,000
1C2C	ELECTRONIC WARFARE	89,340	89,340
1C3C	SPACE SYSTEMS AND SURVEILLANCE	177,397	177,397
1C4C	WARFARE TACTICS	416,068	416,068
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	316,525	316,525
1C6C	COMBAT SUPPORT FORCES	1,083,618	870,817
	Unjustified Growth for Naval Expeditionary Combat Command		−20,000
	Transfer to Title IX - Naval Expeditionary Combat Command Increases		−192,801
1C7C	EQUIPMENT MAINTENANCE	165,985	165,985
1C8C	DEPOT OPERATIONS SUPPORT	2,836	2,836
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	208,250	208,250
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	274,071	274,071
1D1D	CRUISE MISSILE	130,219	130,219
1D2D	FLEET BALLISTIC MISSILE	1,138,418	1,138,418
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	89,184	89,184
1D4D	WEAPONS MAINTENANCE	459,561	459,561
1D7D	OTHER WEAPON SYSTEMS SUPPORT	366,751	361,751
	Civilian Personnel Over-Pricing		−5,000
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	820,507	1,031,207
	Requested Transfer from OP,N line 147 for NGEN Funding		+217,700
	Overstatement of DISA Pricing Adjustment		−7,000
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,900,386	1,900,386
BSS1	BASE OPERATING SUPPORT	4,502,857	4,452,857
	Transfer to Title IX - Regional/Emergency Operations Center		−50,000
	SUBTOTAL, BUDGET ACTIVITY 1	29,544,424	30,910,698
2A1F	SHIP PREPOSITIONING AND SURGE	424,047	424,047
2B1G	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,593	7,593
2B2G	SHIP ACTIVATIONS/INACTIVATIONS	177,482	180,682
	Program Increase - Ship Disposal Program		+3,200
2C1H	FLEET HOSPITAL PROGRAM	70,990	70,990
2C2H	INDUSTRIAL READINESS	2,707	2,707
2C3H	COAST GUARD SUPPORT	23,845	23,845
	SUBTOTAL, BUDGET ACTIVITY 2	706,664	709,864
3A1J	OFFICER ACQUISITION	141,057	141,057
3A2J	RECRUIT TRAINING	10,853	10,853
3A3J	RESERVE OFFICERS TRAINING CORPS	143,504	143,504
3B1K	SPECIALIZED SKILL TRAINING	533,004	530,004
	Transfer to Title IX - NAVSEA VSSS/EOD Training		−3,000
3B2K	FLIGHT TRAINING	1,538,171	9,571
	Transfer of Fleet Air Training funding to SAG 1A2A		−958,200
	Transfer of Chief of Naval Air Training to SAG 1A2A		−570,400
3B3K	PROFESSIONAL DEVELOPMENT EDUCATION	162,844	162,844

O–1		Budget Request	Recommendation
3B4K	TRAINING SUPPORT	171,153	171,153
3C1L	RECRUITING AND ADVERTISING	261,287	261,922
	Program Increase - Naval Sea Cadet Corps		+635
3C3L	OFF-DUTY AND VOLUNTARY EDUCATION	145,560	145,560
3C4L	CIVILIAN EDUCATION AND TRAINING	109,865	109,865
3C5L	JUNIOR ROTC	50,369	53,369
	Program Increase - Junior ROTC		+3,000
	SUBTOTAL, BUDGET ACTIVITY 3	3,267,667	1,739,702
4A1M	ADMINISTRATION	829,010	829,010
4A2M	EXTERNAL RELATIONS	7,632	7,632
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	118,838	111,838
	Overstated Requirement for Other Intragovernmental Purchases		−7,000
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	194,775	194,775
4A5M	OTHER PERSONNEL SUPPORT	282,580	282,580
4A6M	SERVICEWIDE COMMUNICATIONS	503,067	496,089
	Nuclear Command, Control and Communications Systems Budget Realignment and Consolidation Justified as Program Growth		−6,978
4B1N	SERVICEWIDE TRANSPORTATION	230,294	230,294
4B2N	PLANNING, ENGINEERING AND DESIGN	259,990	259,990
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	868,069	856,069
	Civilian Personnel Over-Pricing		−12,000
4B5N	HULL, MECHANICAL AND ELECTRICAL SUPPORT	55,217	55,217
4B6N	COMBAT/WEAPONS SYSTEMS	19,053	19,053
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	77,702	77,702
4C1P	NAVAL INVESTIGATIVE SERVICE	549,484	546,484
	Civilian Personnel Over-Pricing		−3,000
4D1Q	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,567	5,567
999	OTHER PROGRAMS	614,275	607,475
	Classified Adjustment		−6,800
	SUBTOTAL, BUDGET ACTIVITY 4	4,615,553	4,579,775
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−127,200
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		−3,600
	TOTAL, OPERATION AND MAINTENANCE, NAVY	38,134,308	37,809,239
	OPERATION AND MAINTENANCE, MARINE CORPS		
1A1A	OPERATIONAL FORCES	745,678	745,678
1A2A	FIELD LOGISTICS	658,616	658,616
1A3A	DEPOT MAINTENANCE	78,891	78,891
1B1B	MARITIME PREPOSITIONING	72,344	72,344
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	594,904	594,904
BSS1	BASE OPERATING SUPPORT	2,206,137	2,198,437
	Collateral Equipment Decrease in fiscal year 2011 not Properly Accounted for in Budget Documentation		−7,700
	SUBTOTAL, BUDGET ACTIVITY 1	4,356,570	4,348,870
3A1C	RECRUIT TRAINING	16,096	16,096
3A2C	OFFICER ACQUISITION	420	420
3B1D	SPECIALIZED SKILLS TRAINING	91,197	91,197
3B3D	PROFESSIONAL DEVELOPMENT EDUCATION	32,379	32,379
3B4D	TRAINING SUPPORT	319,742	319,742
3C1F	RECRUITING AND ADVERTISING	233,663	233,663
3C2F	OFF-DUTY AND VOLUNTARY EDUCATION	61,980	61,980
3C3F	JUNIOR ROTC	19,497	19,497
	SUBTOTAL, BUDGET ACTIVITY 3	774,974	774,974
4A3G	SERVICEWIDE TRANSPORTATION	29,569	29,569
4A4G	ADMINISTRATION	341,657	335,657
	Administrative Efficiencies		−6,000
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	87,570	87,570
	SUBTOTAL, BUDGET ACTIVITY 4	458,796	452,796
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−34,400
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		−2,500
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	5,590,340	5,539,740
	OPERATION AND MAINTENANCE, AIR FORCE		
011A	PRIMARY COMBAT FORCES	4,261,115	4,218,222
	Unjustified Growth for Programming/Execution		−34,408
	Unsupported Request for Civilian Personnel		−8,485
011C	COMBAT ENHANCEMENT FORCES	2,995,278	2,933,353
	Unjustified Growth for Programming/Execution		−61,925
011D	AIR OPERATIONS TRAINING	1,573,602	1,508,352
	Unjustified Growth for Programming/Execution		−13,598
	Transfer of Range Maintenance funding to SAG 011R		−33,652
	Removal of One-Time fiscal year 2010 Cost for F–35A Beddown Costs		−18,000
011M	DEPOT MAINTENANCE	2,189,481	2,176,793
	Program Increase—Warner Robins Air Logistics Center Aircraft Depot Maintenance		+4,000
	Air Force Requested Transfer to OM,ANG for C–130s		−10,879
	Air Force Requested Transfer to OM,AFR for C–130s		−5,809
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,556,234	1,664,886
	Transfer of Range Maintenance from SAG 011D		+33,652
	Adjustments to Meet Life, Health, Safety and ADA Compliance Standards		+75,000
011Z	BASE OPERATING SUPPORT	3,088,003	2,937,621
	Unjustified Growth for Programming/ Execution		−91,675
	Unsupported Request for Civilian Personnel		−58,707
012A	GLOBAL C3I AND EARLY WARNING	1,511,243	1,450,927
	Unsupported Request for Civilian Personnel		−16,013
	Unjustified Growth for Programming/ Execution		−44,303
012C	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	1,035,291	1,020,300
	Unjustified Growth for Programming/ Execution		−12,268
	Unsupported Request for Civilian Personnel		−2,723
012F	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	595,028	595,028
013A	LAUNCH FACILITIES	342,355	342,355
013C	SPACE CONTROL SYSTEMS	811,022	811,022
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	797,754	791,754
	Information Operations		−6,000
015B	COMBATANT COMMANDERS CORE OPERATIONS	233,021	225,865
	Unsupported Request for Civilian Personnel		−7,156
	SUBTOTAL, BUDGET ACTIVITY 1	20,989,427	20,676,478
021A	AIRLIFT OPERATIONS	2,975,663	2,975,663
021D	MOBILIZATION PREPAREDNESS	158,647	158,647
021M	DEPOT MAINTENANCE	140,286	140,286
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	348,231	348,231
021Z	BASE SUPPORT	683,286	635,231
	Unsupported Request for Civilian Personnel		−45,577
	Unjustified Growth for Programming/Execution		−2,478
	SUBTOTAL, BUDGET ACTIVITY 2	4,306,113	4,258,058
031A	OFFICER ACQUISITION	114,403	114,403
031B	RECRUIT TRAINING	28,195	28,195
031D	RESERVE OFFICER TRAINING CORPS (ROTC)	90,453	90,453
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	411,570	400,652
	Unsupported Request for Civilian Personnel		−10,918
031Z	BASE SUPPORT (ACADEMIES ONLY)	902,323	845,576

O–1		Budget Request	Recommendation
.....	Unjustified Growth for Programming/ Execution	.....	−16,216
.....	Unsupported Request for Civilian Personnel	.....	−40,531
032A	SPECIALIZED SKILL TRAINING	510,065	470,584
.....	Unsupported Request for Civilian Personnel	.....	−11,481
.....	Growth in Overhead Expenses not Justified by Increases to Training Metrics	.....	−28,000
032B	FLIGHT TRAINING	1,012,816	1,012,816
032C	PROFESSIONAL DEVELOPMENT EDUCATION	221,553	221,553
032D	TRAINING SUPPORT	126,784	123,260
.....	Unsupported Request for Civilian Personnel	.....	−3,524
032M	DEPOT MAINTENANCE	619	619
033A	RECRUITING AND ADVERTISING	150,222	143,635
.....	Unsupported Request for Civilian Personnel	.....	−1,487
.....	Air Force Recruiting Information Support System—Air Force Requested Transfer to RDTE,AF	.....	−5,100
033B	EXAMINING	409	409
033C	OFF DUTY AND VOLUNTARY EDUCATION	172,643	172,643
033D	CIVILIAN EDUCATION AND TRAINING	208,872	208,872
033E	JUNIOR ROTC	77,692	81,692
.....	Program Increase—Junior ROTC	.....	+4,000
.....	SUBTOTAL, BUDGET ACTIVITY 3	4,028,619	3,915,362
041A	LOGISTICS OPERATIONS	1,110,471	1,082,427
.....	Unsupported Request for Civilian Personnel	.....	−28,044
041B	TECHNICAL SUPPORT ACTIVITIES	949,018	937,913
.....	Unjustified Growth for Programming/ Execution	.....	−5,866
.....	Unsupported Request for Civilian Personnel	.....	−5,239
041M	DEPOT MAINTENANCE	7,365	7,365
041R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	368,349	367,651
.....	Unsupported Request for Civilian Personnel	.....	−698
041Z	BASE SUPPORT	1,363,230	1,292,621
.....	Unsupported Request for Civilian Personnel	.....	−30,609
.....	Pentagon Reservation Maintenance Fund Pricing	.....	−40,000
042A	ADMINISTRATION	657,268	657,268
042B	SERVICEWIDE COMMUNICATIONS	693,379	672,562
.....	Unjustified Growth for Programming/ Execution	.....	−20,817
042G	OTHER SERVICEWIDE ACTIVITIES	1,152,877	1,138,670
.....	Unsupported Request for Civilian Personnel	.....	−22,207
.....	Analytical Support for the Executive Agent for Space—Transfer from RDTE,AF line 216	.....	+8,000
042I	CIVIL AIR PATROL CORPORATION	22,848	27,048
.....	Civil Air Patrol Program Increase	.....	+4,200
043A	SECURITY PROGRAMS	1,159,342	1,141,160
.....	Unsupported Request for Civilian Personnel	.....	−18,182
044A	INTERNATIONAL SUPPORT	36,206	36,206
.....	SUBTOTAL, BUDGET ACTIVITY 4	7,520,353	7,360,891
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION	.....	−134,300
.....	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT	.....	−13,500
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	36,844,512	36,062,989
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
.....	JOINT CHIEFS OF STAFF	420,940	420,940
.....	SPECIAL OPERATIONS COMMAND	3,944,330	3,930,330
.....	Non-Standard Aviation Platforms Sustainment and Logistical Support	.....	−5,000
.....	Removal of One-Time fiscal year 2010 Congressional Increases	.....	−9,000
.....	SUBTOTAL, BUDGET ACTIVITY 1	4,365,270	4,351,270
.....	DEFENSE ACQUISITION UNIVERSITY	145,896	145,896
.....	NATIONAL DEFENSE UNIVERSITY	97,633	97,633
.....	SUBTOTAL, BUDGET ACTIVITY 3	243,529	243,529
.....	CIVIL MILITARY PROGRAMS	156,043	164,043
.....	STARBASE Youth Program	.....	+8,000
.....	BUSINESS TRANSFORMATION AGENCY	143,441	143,441
.....	DEFENSE CONTRACT AUDIT AGENCY	486,143	482,643
.....	Removal of One-Time fiscal year 2010 Cost for Renewing Three Year License for Software	.....	−3,500
.....	DEFENSE FINANCE AND ACCOUNTING SERVICE	1,593	1,593
.....	DEFENSE INFORMATION SYSTEMS AGENCY	1,384,450	1,374,450
.....	Multinational Information Sharing Programs	.....	−10,000
.....	DEFENSE LEGAL SERVICES AGENCY	42,404	42,404
.....	DEFENSE LOGISTICS AGENCY	448,043	396,395
.....	Facilities Sustainment	.....	−58,848
.....	Procurement Technical Assistance Program	.....	+7,200
.....	DEFENSE MEDIA ACTIVITY	255,878	255,878
.....	DEFENSE POW /MISSING PERSONS OFFICE	24,155	24,155
.....	DEFENSE TECHNOLOGY SECURITY AGENCY	37,624	37,624
.....	DEFENSE THREAT REDUCTION AGENCY	463,522	445,682
.....	Core Operational Support Activities—unnecessary increase	.....	−17,840
.....	DEFENSE DEPENDENTS EDUCATION	2,514,537	2,679,537
.....	Military Spouse Career Advancement Accounts	.....	+165,000
.....	DEFENSE HUMAN RESOURCES ACTIVITY	824,153	794,353
.....	Joint Advertising, Market Research and Studies	.....	−29,800
.....	DEFENSE CONTRACT MANAGEMENT AGENCY	1,112,849	1,107,849
.....	Overstatement of NSPS to GS Conversion	.....	−5,000
.....	DEFENSE SECURITY COOPERATION AGENCY	683,853	539,369
.....	Global Train and Equip (1206)	.....	−139,507
.....	Stability Operations Fellowship Program—not authorized	.....	−4,977
.....	DEFENSE SECURITY SERVICE	518,743	518,743
.....	OFFICE OF ECONOMIC ADJUSTMENT	50,811	50,811
.....	OFFICE OF THE SECRETARY OF DEFENSE	2,245,300	2,232,986
.....	Battlefield Information Collection and Exploitation System	.....	−15,000
.....	Combatant Commander's Exercise Engagement and Training Transformation (CE2T2)	.....	−26,500
.....	Readiness and Environmental Protection Initiative	.....	+60,186
.....	Overstatement of Civilian Personnel Pay Requirements	.....	−24,500
.....	AT&L—Integrated Acquisition Environment Internal Realignment not Properly Accounted for in Budget Documentation	.....	−6,500
.....	WASHINGTON HEADQUARTERS SERVICES	604,130	594,330
.....	Overstatement of Civilian Personnel Pay Requirements	.....	−9,800
.....	SUBTOTAL, BUDGET ACTIVITY 4	11,997,672	11,886,286
.....	OTHER PROGRAMS	13,977,425	13,685,725
.....	Classified Adjustments	.....	−291,700
.....	IMPACT AID	.....	40,000
.....	IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES	.....	4,000
	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	30,583,896	30,210,810
	OPERATION AND MAINTENANCE, ARMY RESERVE		
111	MANEUVER UNITS	1,282	1,282
112	MODULAR SUPPORT BRIGADES	12,413	12,413
113	ECHELONS ABOVE BRIGADES	460,814	460,814
114	THEATER LEVEL ASSETS	168,020	168,020
115	LAND FORCES OPERATIONS SUPPORT	555,944	555,944
116	AVIATION ASSETS	70,378	70,378
121	FORCES READINESS OPERATIONS SUPPORT	391,326	381,326
	Decrease Requested Growth for Travel	.....	−10,000
122	LAND FORCES SYSTEM READINESS	108,093	108,093
123	DEPOT MAINTENANCE	136,854	136,854

O–1		Budget Request	Recommendation
131	BASE OPERATIONS SUPPORT	577,146	567,146
	Unjustified Increase in Motor Pool Operations Costs		−10,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	234,486	234,486
	SUBTOTAL, BUDGET ACTIVITY 1	2,716,756	2,696,756
421	SERVICEWIDE TRANSPORTATION	12,717	12,717
431	ADMINISTRATION	74,685	74,685
432	SERVICEWIDE COMMUNICATIONS	3,797	3,797
433	PERSONNEL/FINANCIAL ADMINISTRATION	9,245	9,245
434	RECRUITING AND ADVERTISING	61,877	61,877
	SUBTOTAL, BUDGET ACTIVITY 4	162,321	162,321
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−18,650
	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	2,879,077	2,840,427
	OPERATION AND MAINTENANCE, NAVY RESERVE		
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	599,649	599,649
1A3A	INTERMEDIATE MAINTENANCE	13,209	13,209
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	2,668	2,668
1A5A	AIRCRAFT DEPOT MAINTENANCE	140,377	140,377
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	309	309
1B1B	MISSION AND OTHER SHIP OPERATIONS	65,757	62,757
	Mismatch of OPTEMPO and Steaming Day Performance Data		−3,000
1B2B	SHIP OPERATIONAL SUPPORT AND TRAINING	587	587
1B4B	SHIP DEPOT MAINTENANCE	91,054	91,054
1C1C	COMBAT COMMUNICATIONS	15,882	15,882
1C6C	COMBAT SUPPORT FORCES	140,186	140,186
1D4D	WEAPONS MAINTENANCE	5,492	5,492
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	56,046	56,046
BSMR	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	81,407	81,407
BSSR	BASE OPERATING SUPPORT	131,988	131,988
	SUBTOTAL, BUDGET ACTIVITY 1	1,344,611	1,341,611
4A1M	ADMINISTRATION	3,276	3,276
4A4M	MILITARY MANPOWER & PERSONNEL	13,698	13,698
4A6M	SERVICEWIDE COMMUNICATIONS	2,628	2,628
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	3,551	3,551
	SUBTOTAL, BUDGET ACTIVITY 4	23,153	23,153
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−20,500
	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,367,764	1,344,264
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		
1A1A	OPERATING FORCES	104,566	104,566
1A3A	DEPOT MAINTENANCE	16,392	16,392
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	38,762	38,762
BSS1	BASE OPERATING SUPPORT	99,924	92,424
	Eliminate Growth in Administrative Costs		−7,500
	SUBTOTAL, BUDGET ACTIVITY 1	259,644	252,144
BSM1	SERVICEWIDE TRANSPORTATION	835	835
BSS1	ADMINISTRATION	15,871	15,871
3A1C	RECRUITING AND ADVERTISING	8,884	8,884
	SUBTOTAL, BUDGET ACTIVITY 4	25,590	25,590
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−2,250
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	285,234	275,484
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE		
011A	PRIMARY COMBAT FORCES	2,275,407	2,276,450
	Air Force Requested Transfer to OM,ANG for C-130s		−2,017
	Air Force Requested Transfer from OM,AF for C-130s		+3,060
011G	MISSION SUPPORT OPERATIONS	111,742	111,742
011M	DEPOT MAINTENANCE	415,687	418,436
	Air Force Requested Transfer from OM,AF for C-130s		+2,749
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	88,822	88,822
011Z	BASE OPERATING SUPPORT	277,985	277,985
	SUBTOTAL, BUDGET ACTIVITY 1	3,169,643	3,173,435
042A	ADMINISTRATION	80,526	80,526
042J	RECRUITING AND ADVERTISING	24,353	24,353
042K	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,716	19,716
042L	OTHER PERSONNEL SUPPORT	6,071	6,071
042M	AUDIOVISUAL	726	726
	SUBTOTAL, BUDGET ACTIVITY 4	131,392	131,392
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		13,800
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	3,301,035	3,291,027
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		
111	MANEUVER UNITS	807,193	807,193
112	MODULAR SUPPORT BRIGADES	166,474	166,474
113	ECHELONS ABOVE BRIGADE	607,567	607,567
114	THEATER LEVEL ASSETS	249,930	249,930
115	LAND FORCES OPERATIONS SUPPORT	35,657	35,657
116	AVIATION ASSETS	838,895	854,895
	Aircraft Maintenance Program Increase		+16,000
121	FORCE READINESS OPERATIONS SUPPORT	570,119	544,119
	Distance Learning—Transfer from OCO OM,ARNG SAG 135		+9,000
	Realignment of Funding for the Organizational Clothing and Equipment Enterprise Environment not Properly Accounted for in Budget Documentation		−35,000
122	LAND FORCES SYSTEMS READINESS	121,980	121,980
123	LAND FORCES DEPOT MAINTENANCE	380,789	380,789
131	BASE OPERATIONS SUPPORT	933,514	853,514
	Unjustified Growth for Information Management Systems		−80,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	621,843	661,843
	Army National Guard Program Increase		+40,000
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	540,738	549,626
	Transfer from Defense Health Program for Psychological Health—State Directors for the National Guard		+8,888
	SUBTOTAL, BUDGET ACTIVITY 1	5,874,699	5,833,587
421	SERVICEWIDE TRANSPORTATION	17,771	17,771
431	ADMINISTRATION	183,781	151,463
	Pay and Benefits Mismatch Between Op-5 and Op-32		−32,318
432	SERVICEWIDE COMMUNICATIONS	48,188	48,188
433	MANPOWER MANAGEMENT	8,020	8,020
434	RECRUITING AND ADVERTISING	440,245	440,245
	SUBTOTAL, BUDGET ACTIVITY 4	698,005	665,687
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		−36,650
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		−8,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	6,572,704	6,454,624
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		
011F	AIRCRAFT OPERATIONS	3,519,452	3,525,525

O–1		Budget Request	Recommendation
.....	Air Force Requested Transfer from OM,AFR for C-130s	.....	+2,017
.....	Air Force Requested Transfer from OM,AF for C-130s	.....	+4,056
011G	MISSION SUPPORT OPERATIONS	762,937	762,937
011M	DEPOT MAINTENANCE	598,779	605,602
.....	Air Force Requested Transfer from OM,AF for C-130s	.....	+6,823
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	315,210	355,210
.....	Air National Guard Program Increase	.....	+40,000
011Z	BASE OPERATING SUPPORT	668,176	668,176
.....	SUBTOTAL, BUDGET ACTIVITY 1	5,864,554	5,917,450
042A	ADMINISTRATION	41,930	41,930
042J	RECRUITING AND ADVERTISING	34,659	34,659
.....	SUBTOTAL, BUDGET ACTIVITY 4	76,589	76,589
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION	.....	−30,200
	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	5,941,143	5,963,839
	MISCELLANEOUS		
.....	OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	5,000	0
.....	Unjustified Request	.....	−5,000
.....	U.S. COURT OF APPEALS FOR THE ARMED FORCES	14,068	14,068
.....	ENVIRONMENTAL RESTORATION, ARMY	444,581	464,581
.....	Program Increase	.....	+20,000
.....	ENVIRONMENTAL RESTORATION, NAVY	304,867	304,867
.....	ENVIRONMENTAL RESTORATION, AIR FORCE	502,653	502,653
.....	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	10,744	10,744
.....	ENVIRONMENTAL RESTORATION, FUDS	276,546	316,546
.....	Program Increase	.....	+40,000
.....	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	108,032	108,032
.....	COOPERATIVE THREAT REDUCTION PROGRAM	522,512	522,512
.....	ACQUISITION WORKFORCE DEVELOPMENT FUND	217,561	217,561
.....	TOTAL, OPERATION AND MAINTENANCE	167,878,542	165,560,124

P–1		Budget Request	Recommendation
	AIRCRAFT PROCUREMENT, ARMY		
3	AERIAL COMMON SENSOR (ACS) (MIP)	88,483	0
.....	Program Adjustment for Schedule Slip	.....	−88,483
4	MQ-1 UAV	459,310	434,310
.....	Contract Savings	.....	−25,000
5	RQ-11 (RAVEN)	20,152	20,152
6	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	44,206	26,568
.....	Program Reduction	.....	−17,638
8	HELICOPTER, LIGHT UTILITY (LUH)	305,272	305,272
9	AH-64 APACHE BLOCK III	332,681	332,681
10	AH-64 APACHE BLOCK III (AP-CY)	161,150	161,150
11	UH-60 BLACKHAWK (MYP)	1,250,566	1,250,566
12	UH-60 BLACKHAWK (MYP) (AP-CY)	100,532	100,532
13	CH-47 HELICOPTER	1,101,293	1,101,293
14	CH-47 HELICOPTER (AP-CY)	57,756	57,756
15	HELICOPTER NEW TRAINING	9,383	0
.....	Unjustified Request	.....	−9,383
17	MQ-1 PAYLOAD - UAS	100,413	80,413
.....	Tactical SIGINT Payload Schedule Adjustment	.....	−20,000
18	MQ-1 WEAPONIZATION - UAS	14,729	14,729
19	GUARDRAIL MODS (MIP)	29,899	25,799
.....	Airborne Precision Geolocation	.....	−4,100
20	MULTI SENSOR AIRBORNE RECON (MIP)	16,981	16,981
21	AH-64 MODS	393,769	393,769
23	CH-47 CARGO HELICOPTER MODS	66,207	66,207
25	UTILITY/CARGO AIRPLANE MODS	13,716	13,716
26	AIRCRAFT LONG RANGE MODS	814	814
27	UTILITY HELICOPTER MODS	63,085	80,085
.....	UH-60 A to L conversions	.....	+17,000
28	KIOWA WARRIOR	94,400	42,300
.....	Cockpit and Sensor Upgrade Program Funding Ahead of Need	.....	−52,100
29	AIRBORNE AVIONICS	219,425	207,425
.....	Contract Savings	.....	−12,000
30	GATM ROLLUP	100,862	100,862
31	RQ-7 UAV MODS	505,015	2,515
.....	Funding Ahead of Need for Installation	.....	−5,000
.....	Transfer to Title IX	.....	−497,500
34	SPARE PARTS (AIR)	7,328	9,956
.....	Transfer from OP,A line 195 at Army request	.....	+2,628
35	AIRCRAFT SURVIVABILITY EQUIPMENT	24,478	24,478
36	ASE INFRARED COUNTER MEASURES	174,222	163,722
.....	Excess to Requirement	.....	−10,500
37	AVIONICS SUPPORT EQUIPMENT	4,885	4,885
38	COMMON GROUND EQUIPMENT	76,129	76,129
39	AIRCREW INTEGRATED SYSTEMS	52,423	52,423
40	AIR TRAFFIC CONTROL	82,844	82,844
41	INDUSTRIAL FACILITIES	1,567	1,567
42	LAUNCHER, 2.75 ROCKET	2,892	2,892
.....	TOTAL, AIRCRAFT PROCUREMENT, ARMY	5,976,867	5,254,791
	MISSILE PROCUREMENT, ARMY		
1	PATRIOT SYSTEM SUMMARY	480,247	613,847
.....	PAC-3 Launchers and Missiles - Army UFR	.....	+133,600
2	SURFACE-LAUNCHED AMRAAM SYS SUMMARY	116,732	102,732
.....	Program Reduction	.....	−14,000
4	HELLFIRE SYS SUMMARY	31,881	31,881
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	163,929	163,929
6	TOW 2 SYSTEM SUMMARY	30,326	24,326
.....	Program Adjustment for Growth in Management and Administration Costs	.....	−6,000
7	TOW 2 SYSTEM SUMMARY (AP-CY)	48,355	0
.....	Excess to Requirement	.....	−48,355
8	BCT NON LINE OF SIGHT LAUNCH SYSTEM	350,574	0
.....	Program Termination	.....	−350,574
9	GUIDED MLRS ROCKET (GMLRS)	291,041	266,041
.....	Program Reduction	.....	−25,000
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,886	15,886
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	211,517	204,517
.....	Program Adjustment, Carriers Procured in fiscal year 2010	.....	−7,000
12	PATRIOT MODS	57,170	57,170
13	ITAS/TOW MODS	13,281	13,281
14	MLRS MODS	8,217	8,217
15	HIMARS MODIFICATIONS	39,371	39,371
16	HELLFIRE MODIFICATIONS	10	10
17	SPARES AND REPAIR PARTS	19,569	19,569
18	AIR DEFENSE TARGETS	3,613	3,613

P–1		Budget Request	Recommendation
19	ITEMS LESS THAN $5.0M (MISSILES)	1,208	1,208
20	PRODUCTION BASE SUPPORT	4,510	4,510
.....	TOTAL, MISSILE PROCUREMENT, ARMY	1,887,437	1,570,108
	PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY		
4	STRYKER VEHICLE	299,545	350,945
.....	Transfer from OP,A line 9	.....	+61,300
.....	Adjust Program Management Costs	.....	−9,900
9	STRYKER (MOD)	146,352	85,052
.....	Transfer to OP,A line 4	.....	−61,300
10	FIST VEHICLE (MOD)	31,083	31,083
11	BRADLEY PROGRAM (MOD)	215,133	204,133
.....	Program Reduction	.....	−11,000
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)	105,277	5,277
.....	Program Adjustment for Schedule Slip	.....	−70,000
.....	Transfer to RDTE,A line 116 for Paladin PIM	.....	−30,000
13	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	69,609	69,609
14	ARMORED BREACHER VEHICLE	77,930	77,930
15	M88 FOV MODS	9,157	9,157
16	JOINT ASSAULT BRIDGE	44,133	0
.....	Funded Ahead of Need	.....	−44,133
17	M1 ABRAMS TANK (MOD)	230,907	230,907
18	ABRAMS UPGRADE PROGRAM	183,000	183,000
19	PRODUCTION BASE SUPPORT (TCV-WTCV)	3,145	3,145
20	HOWITZER, LIGHT, TOWED, 105MM, M119	5,575	0
.....	Funds Excess to Requirement	.....	−5,575
21	M240 MEDIUM MACHINE GUN (7.62MM)	28,179	20,479
.....	Pricing Correction	.....	−7,700
22	MACHINE GUN, CAL .50 M2 ROLL	79,496	0
.....	Transfer to Title IX	.....	−79,496
23	LIGHTWEIGHT .50 CALIBER MACHINE GUN	18,941	18,941
25	MK-19 GRENADE MACHINE GUN (40MM)	4,465	4,465
26	MORTAR SYSTEMS	17,082	17,082
27	M107, CAL. 50, SNIPER RIFLE	235	235
28	XM320 GRENADE LAUNCHER MODULE (GLM)	16,282	16,282
29	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	5,159	5,159
30	M4 CARBINE	20,180	20,180
31	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	7,153	7,153
33	HANDGUN	3,371	0
.....	Program Reduction	.....	−3,371
35	MK-19 GRENADE MACHINE GUN MODS	4,286	2,986
.....	Tactical Engagement Simulator Terminated	.....	−1,300
36	M4 CARBINE MODS	14,044	14,044
38	M249 SAW MACHINE GUN MODS	5,922	5,922
39	M240 MEDIUM MACHINE GUN MODS	15,852	15,852
40	M119 MODIFICATIONS	39,810	39,810
41	M16 RIFLE MODS	3,855	3,855
43	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	6,083	6,083
45	PRODUCTION BASE SUPPORT (WOCV-WTCV)	7,869	7,869
46	INDUSTRIAL PREPAREDNESS	409	409
47	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	4,042	4,042
.....	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,723,561	1,461,086
	PROCUREMENT OF AMMUNITION, ARMY		
1	CTG, 5.56MM, ALL TYPES	195,406	195,406
2	CTG, 7.62MM, ALL TYPES	79,622	79,622
3	CTG, HANDGUN, ALL TYPES	5,377	5,377
4	CTG, .50 CAL, ALL TYPES	160,712	160,712
6	CTG, 25MM, ALL TYPES	15,887	15,887
7	CTG, 30MM, ALL TYPES	95,222	95,222
8	CTG, 40MM, ALL TYPES	167,632	167,632
9	60MM MORTAR, ALL TYPES	14,340	14,340
10	81MM MORTAR, ALL TYPES	24,036	24,036
11	CTG, MORTAR, 120MM, ALL TYPES	96,335	67,735
.....	APMI Unit Cost Savings	.....	−28,600
12	CTG TANK 105MM: ALL TYPES	7,794	7,794
13	CTG, TANK, 120MM, ALL TYPES	114,798	114,798
14	CTG, ARTY, 75MM: ALL TYPES	7,329	7,329
15	CTG, ARTY, 105MM: ALL TYPES	76,658	76,658
16	CTG, ARTY, 155MM, ALL TYPES	45,752	45,752
17	PROJ 155MM EXTENDED RANGE XM982	62,114	30,700
.....	Exceeds Revised Requirement	.....	−31,414
18	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	29,309	21,909
.....	Decrease to Reduce Backlog in MACS M232 Production	.....	−7,400
19	ARTILLERY FUZES, ALL TYPES	25,047	15,047
.....	Program Delay, Precision Guidance Kit	.....	−10,000
20	MINES, ALL TYPES	817	817
21	MINE, CLEARING CHARGE, ALL TYPES	8,000	8,000
22	ANTIPERSONNEL LANDMINE ALTERNATIVES	53,005	8,317
.....	FRD Slipped to fiscal year 2012	.....	−44,688
23	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES	10,246	0
.....	Program Adjustment for Schedule Slip	.....	−10,246
24	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	43,873	43,873
25	ROCKET, HYDRA 70, ALL TYPES	120,628	120,628
26	DEMOLITION MUNITIONS, ALL TYPES	19,824	19,824
27	GRENADES, ALL TYPES	41,803	41,803
28	SIGNALS, ALL TYPES	39,472	39,472
29	SIMULATORS, ALL TYPES	11,389	11,389
30	AMMO COMPONENTS, ALL TYPES	17,499	17,499
31	NON-LETHAL AMMUNITION, ALL TYPES	5,266	5,266
32	CAD/PAD ALL TYPES	5,322	5,322
33	ITEMS LESS THAN $5 MILLION	9,768	9,768
34	AMMUNITION PECULIAR EQUIPMENT	12,721	12,721
35	FIRST DESTINATION TRANSPORTATION (AMMO)	11,786	11,786
36	CLOSEOUT LIABILITIES	100	100
37	PROVISION OF INDUSTRIAL FACILITIES	144,368	144,368
38	LAYAWAY OF INDUSTRIAL FACILITIES	9,504	9,504
39	MAINTENANCE OF INACTIVE FACILITIES	9,025	9,025
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	178,367	178,367
41	ARMS INITIATIVE	3,261	3,261
.....	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,979,414	1,847,066
	OTHER PROCUREMENT, ARMY		
1	TACTICAL TRAILERS/DOLLY SETS	25,560	0
.....	Army Requested Program Adjustment	.....	−25,560
2	SEMITRAILERS, FLATBED:	38,713	0
.....	Funded Ahead of Need	.....	−38,713
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	918,195	693,495
.....	Pricing Adjustment	.....	−224,700
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	21,317	21,317
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	549,741	549,741

P–1		Budget Request	Recommendation
8	PALLETIZED LOAD SYS—EXTENDED SERVICE PGM	100,108	56,208
	Program Adjustment for Schedule Slip		−43,900
9	ARMORED SECURITY VEHICLES (ASV)	114,478	114,478
10	MINE PROTECTION VEHICLE FAMILY	230,978	0
	Transfer to Title IX		−230,978
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	37,519	21,519
	Excess to Need		−16,000
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	173,565	173,565
15	MODIFICATION OF IN SVC EQUIP	349,256	0
	Funded Ahead of Need		−56,300
	Transfer to Title IX		−292,956
17	TOWING DEVICE-FIFTH WHEEL	234	234
18	AMC CRITICAL ITEMS, OPA1	746	746
19	HEAVY ARMORED SEDAN	1,875	0
	Slow Execution		−1,875
20	PASSENGER CARRYING VEHICLES	3,323	1,323
	Slow Execution		−2,000
21	NONTACTICAL VEHICLES, OTHER	19,586	19,586
23	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	11,411	11,411
24	WIN-T—GROUND FORCES TACTICAL NETWORK	421,798	391,798
	Program Adjustment, Increment 2 Slow Execution		−20,000
	Program Adjustment, Area Common User System Modernization Slow Execution		−10,000
25	JCSE EQUIPMENT (USREDCOM)	4,690	4,690
26	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	115,744	115,744
27	SHF TERM	14,198	14,198
28	SAT TERM, EMUT (SPACE)	662	662
29	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	32,193	32,193
30	SMART-T (SPACE)	10,285	10,285
31	SCAMP (SPACE)	930	930
32	GLOBAL BRDCST SVC—GBS	4,586	4,586
33	MOD OF IN-SVC EQUIP (TAC SAT)	1,506	1,506
34	MOD-IN-SERVICE PROFILER	938	938
35	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	20,387	20,387
36	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	700	700
37	JOINT TACTICAL RADIO SYSTEM	209,568	159,468
	Program Reduction in Small Form Factor-C Radio		−5,000
	Funded Ahead of Need		−45,100
38	RADIO TERMINAL SET, MIDS LVT(2)	5,796	5,796
39	SINCGARS FAMILY	14,504	12,604
	Unjustified Growth		−1,900
40	AMC CRITICAL ITEMS—OPA2	3,860	3,860
41	MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	9,501	9,501
42	COMMS-ELEC EQUIP FIELDING	5,965	5,965
43	SPIDER APLA REMOTE CONTROL UNIT	26,358	6,758
	Army Requested Program Adjustment		−19,600
44	INTELLIGENT MUNITIONS SYSTEM REMOTE CONTROL UNIT	6,603	0
	Funded Ahead of Need		−6,603
45	SOLDIER ENHANCEMENT PROGRAM COMM AND ELECTRONICS	5,125	5,125
46	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	2,397	2,397
47	RADIO, IMPROVED HF (COTS) FAMILY	9,983	9,983
48	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	23,606	23,606
49	CI AUTOMATION ARCHITECTURE (MIP)	1,465	1,465
50	TSEC—ARMY KEY MGT SYS (AKMS)	25,959	25,959
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	63,340	54,858
	Protected Information—Biometrics—Transfer to OP,A line 51x		−8,482
51x	FAMILY OF BIOMETRICS	0	8,482
	Non-MIP Biometrics—Transfer from OP,A line 51		+8,482
52	TERRESTRIAL TRANSMISSION	137	137
53	BASE SUPPORT COMMUNICATIONS	28,406	28,406
54	WW TECH CON IMP PROG (WWTCIP)	11,566	11,566
55	INFORMATION SYSTEMS	201,081	201,081
56	DEFENSE MESSAGE SYSTEM (DMS)	6,264	6,264
57	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	178,242	178,242
58	PENTAGON INFORMATION MGT AND TELECOM	10,427	10,427
64	JTT/CIBS-M (MIP)	3,321	3,321
65	PROPHET GROUND (MIP)	71,517	71,517
68	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	441	441
70	DCGS-A (MIP)	137,424	0
	Transfer to Title IX		−137,424
71	JOINT TACTICAL GROUND STATION (JTAGS)	9,279	9,279
72	TROJAN (MIP)	28,345	28,345
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,602	7,602
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS)(MIP)	7,416	7,416
75	ITEMS LESS THAN $5.0M (MIP)	18,721	18,721
76	LIGHTWEIGHT COUNTER MORTAR RADAR	32,980	80,080
	Program Adjustment		+47,100
77	WARLOCK	24,127	16,127
	Excess to Need		−8,000
78	BCT UNATTENDED GROUND SENSOR	29,718	14,718
	Program Reduction		−15,000
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,394	1,394
80	CI MODERNIZATION (MIP)	1,263	1,263
81	FORWARD AREA AIR DEFENSE—GROUND BASED SENSOR	91,467	91,467
82	SENTINEL MODS	30,976	30,976
83	SENSE THROUGH THE WALL (STTW)	24,939	24,939
84	NIGHT VISION DEVICES	70,528	70,528
85	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS	255,641	230,641
	Excess to Need		−25,000
86	NIGHT VISION, THERMAL WPN SIGHT	248,899	248,899
87	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	8,520	8,520
89	COUNTER-ROCKET, ARTILLERY & MORTAR	2,088	2,088
91	ARTILLERY ACCURACY EQUIP	6,042	0
	Funded Ahead of Need		−6,042
94	PROFILER	4,408	4,408
95	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	2,843	2,843
96	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	39,786	39,786
97	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	147	147
98	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	65,970	65,970
99	COMPUTER BALLISTICS: LHMBC XM32	815	815
100	MORTAR FIRE CONTROL SYSTEM	16,475	16,475
101	COUNTERFIRE RADARS	275,867	0
	Transfer to Title IX		−275,867
102	ENHANCED SENSOR & MONITORING SYSTEM	2,062	2,062
103	TACTICAL OPERATIONS CENTERS	53,768	43,768
	Program Reduction		−10,000
104	FIRE SUPPORT C2 FAMILY	49,077	49,077
105	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	25,866	25,866
106	FAAD C2	42,511	32,511
	Program Reduction		−10,000
107	AIR & MSL DEFENSE PLANNING & CONTROL SYS	57,038	57,038
108	KNIGHT FAMILY	120,723	120,723
109	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,710	1,710
110	AUTOMATIC IDENTIFICATION TECHNOLOGY	10,858	10,858
111	TC AIMS II	10,457	10,457

P–1		Budget Request	Recommendation
113	TACTICAL INTERNET MANAGER	1,594	1,594
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,492	18,492
115	MANEUVER CONTROL SYSTEM (MCS)	96,162	96,162
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	99,819	99,819
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,466	15,466
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	97,858	97,858
120	ARMY TRAINING MODERNIZATION	36,158	36,158
121	AUTOMATED DATA PROCESSING EQUIPMENT	203,864	203,864
122	CSS COMMUNICATIONS	39,811	39,811
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,360	39,360
124	ITEMS LESS THAN $5.0M (A/V)	663	663
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	6,467	6,467
128	PRODUCTION BASE SUPPORT (C-E)	542	542
129	BCT NETWORK	176,543	136,543
.....	Program Reduction	.....	−40,000
130	PROTECTIVE SYSTEMS	2,489	2,489
131	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,305	9,305
132	CBRN SOLDIER PROTECTION	180,351	180,351
133	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	831	831
134	TACTICAL BRIDGING	62,817	62,817
135	TACTICAL BRIDGE, FLOAT-RIBBON	105,837	105,837
136	HANDHELD STANDOFF MINEFIELD DETECTION SYS	43,871	43,871
137	GROUND STANDOFF MINE DETECTION SYSTEM	35,002	35,002
138	EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	54,093	54,093
139	ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT	3,655	3,655
141	HEATERS AND ECU'S	20,610	20,610
143	SOLDIER ENHANCEMENT	5,416	5,416
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	7,813	7,813
147	GROUND SOLDIER SYSTEM	110,524	96,024
.....	Program Reduction	.....	−14,500
148	MOUNTED SOLDIER SYSTEM	38,872	38,872
149	FORCE PROVIDER	41,539	41,539
150	FIELD FEEDING EQUIPMENT	23,826	23,826
151	CARGO AERIAL DELIVERY AND PERSONNEL PARACHUTE SYSTEM	69,496	69,496
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM	26,532	26,532
153	ITEMS LESS THAN $5M (ENGINEER SUPPORT)	31,420	31,420
154	DISTRIBUTION SYSTEMS, PETROLEUM AND WATER	175,069	164,369
.....	Program Adjustment	.....	−10,700
155	WATER PURIFICATION SYSTEMS	3,597	0
.....	Funded Ahead of Need	.....	−3,597
156	COMBAT SUPPORT MEDICAL	30,365	30,365
157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	159,285	139,985
.....	Unjustified Growth	.....	−19,300
158	ITEMS LESS THAN $5.0M (MAINT EQ)	3,702	3,702
159	GRADER, ROAD MOTORIZED, HVY, 6X4 (CCE)	48,379	48,379
160	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	17,498	17,498
161	SCRAPERS, EARTHMOVING	12,452	12,452
163	MISSION MODULES—ENGINEERING	62,111	54,111
.....	Unjustified Growth	.....	−8,000
164	LOADERS	7,205	7,205
165	HYDRAULIC EXCAVATOR	8,458	8,458
166	TRACTOR, FULL TRACKED	64,032	64,032
167	PLANT, ASPHALT MIXING	10,783	10,783
168	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	64,959	60,959
.....	Unjustified Growth	.....	−4,000
169	CONSTRUCTION EQUIPMENT ESP	11,063	11,063
170	ITEMS LESS THAN $5.0M (CONSTRUCTION EQUIP)	20,565	17,565
.....	Unjustified Growth	.....	−3,000
171	JOINT HIGH SPEED VESSEL (JHSV)	202,764	202,764
172	HARBORMASTER COMMAND AND CONTROL CENTER(HCCC)	37,683	37,683
173	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	8,052	8,052
174	GENERATORS AND ASSOCIATED EQUIPMENT	113,573	113,573
175	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	29,460	29,460
176	FAMILY OF FORKLIFTS	12,936	12,936
177	ALL TERRAIN LIFTING ARMY SYSTEM	17,352	17,352
178	COMBAT TRAINING CENTERS SUPPORT	23,400	23,400
179	TRAINING DEVICES, NONSYSTEM	297,200	322,200
.....	Training Range Upgrades	.....	+25,000
180	CLOSE COMBAT TACTICAL TRAINER	64,912	64,912
181	AVIATION COMBINED ARMS TACTICAL TRAINER	26,120	26,120
182	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,964	4,964
183	CALIBRATION SETS EQUIPMENT	38,778	38,778
184	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	104,472	104,472
185	TEST EQUIPMENT MODERNIZATION (TEMOD)	19,166	18,166
.....	Funded Ahead of Need	.....	−1,000
186	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	42,229	21,229
.....	Excess to Need	.....	−21,000
187	PHYSICAL SECURITY SYSTEMS (OPA3)	56,195	56,195
188	BASE LEVEL COMMERCIAL EQUIPMENT	1,873	1,873
189	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	103,046	82,046
.....	Program Adjustment	.....	−21,000
190	PRODUCTION BASE SUPPORT (OTH)	2,233	2,233
192	SPECIAL EQUIPMENT FOR USER TESTING	44,483	44,483
193	AMC CRITICAL ITEMS OPA3	13,104	13,104
194	MA8975	3,894	3,894
195	BCT UNMANNED GROUND VEHICLE	20,046	20,046
196	BCT TRAINING/LOGISTICS/MANAGEMENT	61,581	31,581
.....	Program Reduction	.....	−30,000
197	INITIAL SPARES—C&E	38,707	36,079
.....	Transfer to AP,A line 34 at Army request	.....	−2,628
.....	CLASSIFIED PROGRAMS	2,560	2,560
xx	PROCUREMENT INNOVATION	0	15,000
.....	Procurement Innovation	.....	+15,000
.....	TOTAL, OTHER PROCUREMENT, ARMY	9,765,808	8,145,665
	AIRCRAFT PROCUREMENT, NAVY		
1	EA–18G	1,028,801	971,241
.....	Multi-year Procurement Savings	.....	−49,836
.....	Support Funding Carryover	.....	−7,724
2	EA–18G (AP–CY)	55,081	55,081
3	F/A–18E/F (FIGHTER) HORNET (MYP)	1,784,894	1,684,086
.....	Multi-year Procurement Savings	.....	−92,746
.....	Support Funding Carryover	.....	−8,062
4	F/A–18E/F (FIGHTER) HORNET (MYP) (AP–CY)	2,295	2,295
5	JOINT STRIKE FIGHTER	1,667,093	1,653,093
.....	Support Funding Carryover	.....	−14,000
6	JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	219,895	219,895
7	JSF STOVL	2,289,816	555,716
.....	Support Funding Carryover	.....	−42,500
.....	Delete Two Aircraft	.....	−391,600
.....	Transfer Eight Aircraft to CTOL Variant	.....	−1,300,000
8	JSF STOVL (AP–CY)	286,326	286,326
9	V–22 (MEDIUM LIFT)	2,121,036	2,121,036

P–1		Budget Request	Recommendation
10	V–22 (MEDIUM LIFT) (AP–CY)	81,875	81,875
11	UH–1Y/AH–1Z	738,709	738,709
12	UH–1Y/AH–1Z (AP–CY)	69,360	58,560
	Unjustified Cost Growth		−10,800
13	MH–60S (MYP)	478,591	478,591
14	MH–60S (MYP) (AP–CY)	70,080	66,280
	Unexecutable EOQ		−3,800
15	MH–60R	897,933	897,933
16	MH–60R (AP–CY)	162,006	129,006
	Unexecutable EOQ		−33,000
17	P–8A POSEIDON	1,824,437	1,820,560
	Operational Flight Trainer Cost Growth		−2,155
	Weapons Tactics Trainer Cost Growth		−1,722
18	P–8A POSEIDON (ADVANCED PROCUREMENT)	166,153	147,653
	Funded Ahead of Need		−18,500
19	E–2C (EARLY WARNING) HAWKEYE (MYP)	819,184	819,184
20	E–2C (EARLY WARNING) HAWKEYE (MYP) (AP–CY)	118,619	118,619
21	C–40A		74,100
	Add One Aircraft		+74,100
22	JPATS	266,065	26,274
	Contract Delay		−234,849
	Support Funding Carryover		−4,942
26	MQ–8 UAV	47,484	43,984
	Support Funding Carryover		−3,500
27	STUASLO UAV	23,912	0
	Program Delay		−23,912
29	EA–6 SERIES	14,891	0
	Unjustified Request in Avionics and Structural Improvements OSIP		−8,900
	ICAP III OSIP Unjustified Request		−5,991
30	AEA SYSTEMS	33,772	29,972
	Low Band Transmitter Modification Kit Pricing		−1,400
	ECO growth		−2,400
31	AV–8 SERIES	19,386	19,386
32	F–18 SERIES	492,821	443,806
	ECP 904 Modification Kit Cost Growth		−2,310
	ECP 583R2 Installation Equipment Kit Cost Growth		−3,780
	ATFLIR Installation Equipment Kit Cost Growth		−11,745
	Mission Planning/Unique Planning Component Growth		−2,400
	OSIP 002–07 Excess ECO Funding		−9,000
	ECP6279 Radar Modification Kits Ahead of Need		−7,880
	OSIP 001–10 Integrated Logistics Support Growth		−2,500
	Unjustified Cost Growth		−9,400
33	H–46 SERIES	17,685	17,685
34	AH–1W SERIES	11,011	11,011
35	H–53 SERIES	25,871	25,871
36	SH–60 SERIES	67,779	67,779
37	H–1 SERIES	3,060	3,060
38	EP–3 SERIES	90,323	90,323
39	P–3 SERIES	221,982	186,982
	Unjustified Cost Growth		−35,000
40	E–2 SERIES	47,046	67,046
	Reliability Enhancements for E–2C		+20,000
41	TRAINER A/C SERIES	23,999	23,999
42	C–2A	16,020	16,020
43	C–130 SERIES	17,839	17,839
44	FEWSG	21,928	16,696
	AN/ALQ-167 Modification Kit Cost Growth		−5,232
45	CARGO/TRANSPORT A/C SERIES	16,092	16,092
46	E–6 SERIES	149,164	121,194
	Block 1 Upgrade Training Kit Cost Growth		−5,040
	Block 1 Upgrade OSIP Support Funding Growth		−3,000
	SLEP Installation Delay		−2,630
	Funded Ahead of Need		−17,300
47	EXECUTIVE HELICOPTERS SERIES	43,443	43,443
48	SPECIAL PROJECT AIRCRAFT	14,679	14,679
49	T–45 SERIES	61,515	46,215
	Engine Surge OSIP Installation Funding Ahead of Need		−500
	Engine Surge OSIP Contract Delay		−2,800
	Required Avionics Modernization Program Modification Kit Cost Growth		−3,900
	Synthetic Aperture Radar OSIP Contract Delay		−8,100
50	POWER PLANT CHANGES	19,948	19,948
51	JPATS SERIES	1,831	1,831
52	AVIATION LIFE SUPPORT MODS	8,084	2,984
	Transfer to RDTE,N line 93 for Common Mobile Aircrew Restraint System		−5,100
53	COMMON ECM EQUIPMENT	21,947	21,947
54	COMMON AVIONICS CHANGES	101,120	79,820
	CNS/ATM Installation Equipment Contract Savings		−12,400
	CNS/ATM Installation Funding Ahead of Need		−1,400
	Tactical Moving Map Capability Modifications Funding Ahead of Need		−7,500
56	ID SYSTEMS	20,397	20,397
57	RQ–7 SERIES	18,121	18,121
58	V–22 (TILT/ROTOR ACFT) OSPREY	21,985	21,985
59	SPARES AND REPAIR PARTS	1,244,673	1,234,084
	JPATS Contract Delay		−10,589
60	COMMON GROUND EQUIPMENT	322,063	322,063
61	AIRCRAFT INDUSTRIAL FACILITIES	17,998	17,998
62	WAR CONSUMABLES	25,248	25,248
63	OTHER PRODUCTION CHARGES	7,579	7,579
64	SPECIAL SUPPORT EQUIPMENT	45,916	45,916
65	FIRST DESTINATION TRANSPORTATION	1,752	1,752
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	18,508,613	16,170,868
	WEAPONS PROCUREMENT, NAVY		
1	TRIDENT II MODS	1,106,911	1,106,911
2	MISSILE INDUSTRIAL FACILITIES	3,446	3,446
3	TOMAHAWK	300,178	288,278
	Production Engineering Support Growth		−1,900
	Support Funding Carryover		−10,000
4	AMRAAM	155,553	145,553
	Support Funding Carryover		−10,000
5	SIDEWINDER	52,293	52,293
6	JSOW	131,141	129,641
	Support Funding Carryover		−1,500
7	STANDARD MISSILE	295,922	248,222
	Support Funding Carryover		−5,700
	Smooth Production Ramp—SM 6		−42,000
8	RAM	74,976	68,046
	Contract Savings		−1,930
	Program Rebaselined—Milestone C Slip for Block II		−5,000
9	HELLFIRE	43,495	41,995
	Support Funding Carryover		−1,500
10	AERIAL TARGETS	43,988	42,888
	ECM/Emitter Equipment Cost Growth		−1,100

P–1		Budget Request	Recommendation
11	OTHER MISSILE SUPPORT	3,981	3,981
12	ESSM	48,152	45,515
.....	Support Funding Carryover	.....	−2,637
13	HARM MODS	53,543	52,191
.....	Support Funding Carryover	.....	−1,352
14	STANDARD MISSILES MODS	61,896	61,896
15	WEAPONS INDUSTRIAL FACILITIES	3,281	3,281
16	FLEET SATELLITE COMM FOLLOW-ON	505,734	505,734
18	ORDNANCE SUPPORT EQUIPMENT	52,152	52,152
19	ASW TARGETS	10,123	5,197
.....	Contract Delay	.....	−4,926
20	MK-46 TORPEDO MODS	42,144	42,144
21	MK-48 TORPEDO ADCAP MODS	43,559	29,859
.....	Contract Delay - Funds for 15 kits and NRE	.....	−13,700
22	QUICKSTRIKE MINE	6,090	6,090
23	TORPEDO SUPPORT EQUIPMENT	43,766	43,766
24	ASW RANGE SUPPORT	9,557	9,557
25	FIRST DESTINATION TRANSPORTATION	3,494	3,494
26	SMALL ARMS AND WEAPONS	14,316	14,316
27	CIWS MODS	41,408	29,022
.....	Block 1B Systems Ahead of Need	.....	−12,386
28	COAST GUARD WEAPONS	20,657	13,259
.....	CIWS Ahead of Need	.....	−5,698
.....	MK160 Ahead of Need	.....	−1,700
29	GUN MOUNT MODS	43,991	40,791
.....	Installation Funding Ahead of Need	.....	−3,200
30	LCS MODULE WEAPONS	9,808	0
.....	NLOS Program Termination	.....	−9,808
31	CRUISER MODERNIZATION WEAPONS	52,426	50,626
.....	Support Funding Carryover	.....	−1,800
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	23,007	23,007
35	SPARES AND REPAIR PARTS	58,806	58,806
.....	TOTAL, WEAPONS PROCUREMENT, NAVY	3,359,794	3,221,957
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS		
1	GENERAL PURPOSE BOMBS	80,028	77,928
.....	Direct Attack Moving Target Capability Program Cost Growth	.....	−2,100
3	AIRBORNE ROCKETS, ALL TYPES	38,721	23,171
.....	MK 66 Rocket Motor (Mod 4) Unit Cost Efficiencies	.....	−6,000
.....	2.75" Launcher Unit Cost Efficiencies	.....	−9,550
4	MACHINE GUN AMMUNITION	21,003	21,003
5	PRACTICE BOMBS	33,666	31,666
.....	Support Funding Carryover	.....	−2,000
6	CARTRIDGES & CART ACTUATED DEVICES	53,667	52,167
.....	Program Execution Delays	.....	−1,500
7	AIR EXPENDABLE COUNTERMEASURES	59,626	59,626
8	JATOS	2,869	2,869
9	5 INCH/54 GUN AMMUNITION	34,492	33,492
.....	Product Improvement Growth	.....	−1,000
10	INTERMEDIATE CALIBER GUN AMMUNITION	37,234	37,234
11	OTHER SHIP GUN AMMUNITION	36,275	36,275
12	SMALL ARMS & LANDING PARTY AMMO	46,192	46,192
13	PYROTECHNIC AND DEMOLITION	11,310	10,079
.....	MK-62 Firing Device Contract Delay	.....	−1,231
14	AMMUNITION LESS THAN $5 MILLION	4,105	4,105
15	SMALL ARMS AMMUNITION	64,839	64,839
16	LINEAR CHARGES, ALL TYPES	15,329	15,329
17	40 MM, ALL TYPES	62,835	62,835
18	60MM, ALL TYPES	17,877	17,877
19	81MM, ALL TYPES	41,053	41,053
20	120MM, ALL TYPES	6,458	6,458
21	CTG 25MM, ALL TYPES	2,937	2,937
22	GRENADES, ALL TYPES	9,298	8,092
.....	Funded Ahead of Need for Scorpion	.....	−1,206
23	ROCKETS, ALL TYPES	13,995	13,995
24	ARTILLERY, ALL TYPES	70,423	67,546
.....	Decrease to Reduce Backlog in MACS M232 Production	.....	−2,877
25	DEMOLITION MUNITIONS, ALL TYPES	19,464	19,464
26	FUZE, ALL TYPES	18,032	18,032
27	NON LETHALS	3,009	3,009
28	AMMO MODERNIZATION	8,985	8,985
29	ITEMS LESS THAN $5 MILLION	4,269	4,269
.....	TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	817,991	790,527
	SHIPBUILDING & CONVERSION, NAVY		
1	CARRIER REPLACEMENT PROGRAM	1,731,256	1,721,969
.....	Consolidated Afloat Navy Enterprise System Increment 1	.....	−2,600
.....	Surface Electronic Warfare Improvement	.....	−4,900
.....	AN/UPX-29	.....	−1,787
2	CARRIER REPLACEMENT PROGRAM (AP-CY)	908,313	908,313
3	VIRGINIA CLASS SUBMARINE	3,441,452	3,430,343
.....	Sonar System Hardware Cost Growth	.....	−5,795
.....	Modular Mast Cost Growth	.....	−1,430
.....	Propulsor Cost Growth	.....	−3,884
4	VIRGINIA CLASS SUBMARINE (AP-CY)	1,691,236	1,691,236
5	CVN REFUELING OVERHAUL	1,255,799	1,248,999
.....	SSDS Program Management Excess	.....	−1,800
.....	SSDS Software Growth	.....	−2,000
.....	CEC Testing and Evaluation Excess	.....	−3,000
6	CVN REFUELING OVERHAULS (AP-CY)	408,037	408,037
9	DDG 1000	186,312	77,512
.....	Volume Search Radar	.....	−108,800
10	DDG-51	2,922,190	2,868,454
.....	MK-12 IFF Cost Growth	.....	−4,986
.....	CIWS Block 1B Cost Growth	.....	−2,256
.....	Exterior Communication System Cost Growth	.....	−6,294
.....	Main Reduction Gear Systems Engineering Growth	.....	−10,200
.....	Main Reduction Gear Contract Savings	.....	−30,000
11	DDG-51 (AP-CY)	47,984	47,984
12	LITTORAL COMBAT SHIP	1,230,984	1,168,984
.....	Cost Savings	.....	−62,000
13	LITTORAL COMBAT SHIP (AP-CY)	278,351	190,351
.....	Program Reduction	.....	−88,000
16	LHA REPLACEMENT (AP-CY)	949,897	942,837
.....	C4ISR Cost Growth	.....	−5,174
.....	Rolling Airframe Missile System Cost Growth	.....	−1,886
18	INTRATHEATER CONNECTOR	180,703	180,703
19	OCEANOGRAPHIC SHIPS	88,561	88,561
20	OUTFITTING	306,640	295,570
.....	JHSV-1 Outfitting Funding Phasing	.....	−3,426
.....	LPD-25 Outfitting Funding Phasing	.....	−2,500
.....	DDG-1000 Post-Delivery Phasing	.....	−1,757

P–1		Budget Request	Recommendation
.....	LPD-23 Post-Delivery Phasing	.....	−3,387
21	SERVICE CRAFT	13,770	13,770
22	LCAC SLEP	83,035	83,035
.....	TOTAL, SHIPBUILDING & CONVERSION, NAVY	15,724,520	15,366,658
	OTHER PROCUREMENT, NAVY		
1	LM-2500 GAS TURBINE	12,137	10,525
.....	Turbine Digital Fuel Controls Cost Growth	.....	−1,612
2	ALLISON 501K GAS TURBINE	14,923	14,923
4	OTHER NAVIGATION EQUIPMENT	23,167	23,167
5	SUB PERISCOPES & IMAGING EQUIP	85,619	73,559
.....	AN/BVS-1 Mast Tech Insertion Spares	.....	−1,849
.....	ISIS Tech Insertion Kits Ahead of Need	.....	−2,769
.....	Support Funding Carryover	.....	−1,700
.....	Contractor Repair Funding Growth	.....	-5,742
6	DDG MOD	296,691	289,691
.....	Multi-Mission BMD Capability Upgrade Kits Cost Growth	.....	−1,000
.....	Engineering Services Unjustified Cost Growth	.....	−6,000
7	FIREFIGHTING EQUIPMENT	11,974	9,304
.....	Self-Contained Breathing Apparatus Kits Excess to Requirements	.....	−1,570
.....	Support Funding Carryover	.....	−1,100
8	COMMAND AND CONTROL SWITCHBOARD	3,962	2,362
.....	Unjustified Request	.....	−1,600
9	POLLUTION CONTROL EQUIPMENT	25,614	25,614
10	SUBMARINE SUPPORT EQUIPMENT	7,730	7,730
11	VIRGINIA CLASS SUPPORT EQUIPMENT	132,039	130,039
.....	Spare Main Propulsion Shaft Ahead of Need	.....	−2,000
12	SUBMARINE BATTERIES	44,057	31,057
.....	Support Funding Carryover	.....	−1,500
.....	Excess Installation Funding	.....	−11,500
13	STRATEGIC PLATFORM SUPPORT EQUIP	22,811	22,811
14	DSSP EQUIPMENT	3,869	3,869
15	CG-MODERNIZATION	356,958	350,958
.....	Engineering Services Unjustified Cost Growth	.....	−6,000
16	LCAC	9,142	2,642
.....	Personnel Transport Module Contract Delay	.....	−6,500
18	UNDERWATER EOD PROGRAMS	15,908	15,908
19	ITEMS LESS THAN $5 MILLION	126,842	119,698
.....	LCS Waterjets Spares Ahead of Need	.....	−5,296
.....	Voltage Regulators Ahead of Need	.....	−1,848
20	CHEMICAL WARFARE DETECTORS	7,470	7,470
21	SUBMARINE LIFE SUPPORT SYSTEM	13,016	13,016
22	REACTOR POWER UNITS	438,503	438,503
23	REACTOR COMPONENTS	266,469	266,469
24	DIVING AND SALVAGE EQUIPMENT	10,227	10,227
25	STANDARD BOATS	27,725	49,225
.....	Range Support Craft	.....	+21,500
26	OTHER SHIPS TRAINING EQUIPMENT	16,094	16,094
27	OPERATING FORCES IPE	49,856	91,476
.....	Program Increase - Shipyard Capital Investment Program	.....	+41,620
28	NUCLEAR ALTERATIONS	116,829	116,829
29	LCS MODULES	82,951	41,369
.....	MCM Module Production Support Growth	.....	−6,000
.....	Consulting Services Growth	.....	−3,064
.....	Excess Remote Multi-Mission Vehicle Funding	.....	−7,600
.....	Mission Package Computer Environment Units Ahead of Need	.....	−2,268
.....	AN/AQS-20A - Ahead of Need	.....	−22,650
30	LSD MIDLIFE	106,612	102,612
.....	60-ton Deck Crane Contract Delay	.....	−1,000
.....	Boat Davit and Ballast Control System Installations Ahead of Need	.....	−3,000
31	RADAR SUPPORT	12,030	7,000
.....	Periscope Detection Radar Installation Funding Ahead of Need	.....	−3,500
.....	Excess Miscellaneous Funding	.....	−1,530
32	SPQ-9B RADAR	8,887	5,687
.....	Excess Antenna Funding	.....	−2,200
.....	Support Funding Carryover	.....	−1,000
33	AN/SQQ-89 SURF ASW COMBAT SYSTEM	87,219	85,219
.....	Support Funding Carryover	.....	−2,000
34	SSN ACOUSTICS	237,015	234,015
.....	Installation Costs Unjustified Growth	.....	−3,000
35	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,641	27,241
.....	Common Data Link Modification Installation Funding Ahead of Need	.....	−2,400
36	SONAR SWITCHES AND TRANSDUCERS	14,056	13,056
.....	TR-317 Module Cost Growth	.....	−1,000
37	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,739	18,539
.....	Next Generation Countermeasure Funding Ahead of Need	.....	−2,200
38	SSTD	2,206	0
.....	AN/SLQ-25D Ahead of Need	.....	−2,206
39	FIXED SURVEILLANCE SYSTEM	57,481	57,481
40	SURTASS	8,468	8,468
41	TACTICAL SUPPORT CENTER	18,586	18,586
42	AN/SLQ-32	49,677	23,257
.....	Support Funding Carryover	.....	−2,000
.....	Block 1B3 Incremental Funding	.....	−7,520
.....	Block 2 Incremental Funding	.....	−16,900
43	SHIPBOARD IW EXPLOIT	105,624	105,624
44	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,299	1,299
45	SUBMARINE SUPPORT EQUIPMENT PROG	71,558	70,108
.....	ESM Capability Insertion (CI-06) Kits Ahead of Need	.....	−1,450
46	COOPERATIVE ENGAGEMENT CAPABILITY	31,091	25,691
.....	Planar Antenna Funding Ahead of Need	.....	−5,400
47	TRUSTED INFORMATION SYSTEM (TIS)	338	338
48	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,358	33,358
49	ATDLS	2,273	2,273
50	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	8,920	8,920
51	MINESWEEPING SYSTEM REPLACEMENT	81,441	60,710
.....	Remote Minehunting System (RMS)	.....	−5,027
.....	Support Funding Carryover	.....	−2,272
.....	Expendable Mine Neutralization System Funding Ahead of Need	.....	−12,432
.....	Assessment and Identification of Mine Susceptibility Growth	.....	−1,000
52	SHALLOW WATER MCM	9,236	1,261
.....	Cobra Block 1 Contract Delay	.....	−7,975
53	NAVSTAR GPS RECEIVERS (SPACE)	9,319	9,319
54	ARMED FORCES RADIO AND TV	3,328	3,328
55	STRATEGIC PLATFORM SUPPORT EQUIP	4,248	4,248
56	OTHER TRAINING EQUIPMENT	29,061	27,761
.....	COTS Obsolescence Growth	.....	−1,300
57	MATCALS	16,747	14,747
.....	ASPARCS Cost Growth	.....	−2,000
58	SHIPBOARD AIR TRAFFIC CONTROL	7,658	7,658
59	AUTOMATIC CARRIER LANDING SYSTEM	15,169	10,782
.....	AN/SPN-46 Radar Modification Kits Ahead of Need	.....	−4,387
60	NATIONAL AIR SPACE SYSTEM	17,531	17,531

P–1		Budget Request	Recommendation
61	AIR STATION SUPPORT EQUIPMENT	6,851	6,851
62	MICROWAVE LANDING SYSTEM	8,551	8,551
63	ID SYSTEMS	29,572	23,122
	AN/URN-25 TACAN Upgrade Kits Ahead of Need		−2,450
	Support Funding Carryover		−4,000
64	TAC A/C MISSION PLANNING SYS(TAMPS)	9,098	7,798
	Support Funding Carryover		−1,300
65	DEPLOYABLE JOINT COMMAND AND CONT	8,542	8,542
66	TADIX-B	6,909	2,944
	AN/USC-151 Upgrade Kit Ahead of Need		−3,965
67	GCCS-M EQUIPMENT TACTICAL/MOBILE	9,832	9,832
68	DCGS-N	16,634	16,634
69	CANES	34,398	10,264
	Funded Ahead of Need		−24,134
70	RADIAC	6,104	5,197
	Air Particulate Detector Contract Delay		−907
71	CANES-INTELL	10,432	3,140
	Ahead of Need		−7,292
72	GPETE	5,861	5,861
73	INTEG COMBAT SYSTEM TEST FACILITY	4,445	4,445
74	EMI CONTROL INSTRUMENTATION	4,737	4,737
75	ITEMS LESS THAN $5 MILLION	51,048	29,307
	SPS-73 Tech Refresh/Obsolescence Growth		−741
	SPS-48 ECO and Support Cost Growth		−3,000
	SPS-48 Upgrade Kits Ahead of Need		−13,600
	Installation Funding Ahead of Need		−4,400
78	SHIP COMMUNICATIONS AUTOMATION	260,551	230,174
	Support Funding Carryover		−1,500
	ISNS Upgrade Kits Installation Funding Ahead of Need		−9,000
	CENTRIXS Installation Funding Ahead of Need		−1,425
	SCI Network Installation Funding Ahead of Need		−2,100
	ADNS Units Ahead of Need		−16,352
79	MARITIME DOMAIN AWARENESS (MDA)	9,250	7,650
	CENTRIXS Modification Kit Installation Funding Ahead of Need		−1,600
80	COMMUNICATIONS ITEMS UNDER $5M	39,846	31,169
	Battle Force Tactical Network Ahead of Need		−8,677
82	SUBMARINE COMMUNICATION EQUIPMENT	59,013	55,737
	Common Submarine Radio Room Modification Kit Cost Growth		−1,029
	CSSR Seawolf Ahead of Need		−2,247
83	SATELLITE COMMUNICATIONS SYSTEMS	28,665	28,665
84	NAVY MULTIBAND TERMINAL (NMT)	161,021	161,021
85	JCS COMMUNICATIONS EQUIPMENT	2,256	2,256
86	ELECTRICAL POWER SYSTEMS	1,309	1,309
87	NAVAL SHORE COMMUNICATIONS	3,422	3,422
88	INFO SYSTEMS SECURITY PROGRAM (ISSP)	120,529	114,357
	SV-21 Unit Cost Growth		−1,672
	Support Funding Carryover		−2,000
	CND Increment 2 Ahead of Need		−2,500
89	CRYPTOLOGIC COMMUNICATIONS EQUIP	18,322	18,322
90	COAST GUARD EQUIPMENT	20,189	20,189
92	SONOBUOYS—ALL TYPES	87,846	83,846
	Support Funding Carryover		−4,000
93	WEAPONS RANGE SUPPORT EQUIPMENT	51,742	59,700
	East Coast USWTR Support Funding Carryover		−3,500
	East Coast USWTR Ahead of Need		−8,542
	Training Range Upgrades		+20,000
94	EXPEDITIONARY AIRFIELDS	8,429	8,429
95	AIRCRAFT REARMING EQUIPMENT	11,134	11,134
96	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	37,063	28,881
	Advanced Recovery Control and Aviation Data Management and Control Systems Cost Growth		−1,782
	Support Funding Carryover		−1,400
	Production Engineering Unjustified Cost Growth		−5,000
97	METEOROLOGICAL EQUIPMENT	25,581	25,581
98	OTHER PHOTOGRAPHIC EQUIPMENT	1,573	1,573
99	AVIATION LIFE SUPPORT	40,696	24,796
	JHMCS Ahead of Need		−15,900
100	AIRBORNE MINE COUNTERMEASURES	35,855	35,855
101	LAMPS MK III SHIPBOARD EQUIPMENT	20,662	16,382
	Units Ahead of Need		−4,280
102	PORTABLE ELECTRONIC MAINTENANCE AIDS	12,812	10,612
	Production Support Growth		−2,200
103	OTHER AVIATION SUPPORT EQUIPMENT	12,018	12,018
104	NAVAL FIRES CONTROL SYSTEM	1,086	1,086
105	GUN FIRE CONTROL EQUIPMENT	8,076	8,076
106	NATO SEASPARROW	11,121	10,161
	ECP and Production Support Growth		−960
107	RAM GMLS	11,805	6,800
	GMLS Ordalts Contract Delay		−5,005
108	SHIP SELF DEFENSE SYSTEM	54,290	45,902
	Ship Self Defense System Modification Kits Ahead of Need		−8,388
109	AEGIS SUPPORT EQUIPMENT	162,307	82,307
	COTS Tech Refresh Growth		−3,000
	Ship Change Documentation Growth		−4,500
	Navy Requested Transfer to RDTE,DW line 84 for Ballistic Missile Defense		−72,500
110	TOMAHAWK SUPPORT EQUIPMENT	88,698	88,698
111	VERTICAL LAUNCH SYSTEMS	5,698	5,698
112	STRATEGIC MISSILE SYSTEMS EQUIP	184,034	159,034
	Fire Control Tech Refresh Growth		−5,000
	Contract Delays		−20,000
113	SSN COMBAT CONTROL SYSTEMS	88,004	77,390
	TI-04 Modification Contract Savings		−2,214
	Excess TI-04 and Out Modification Installation Funding		−8,400
114	SUBMARINE ASW SUPPORT EQUIPMENT	5,282	5,282
115	SURFACE ASW SUPPORT EQUIPMENT	8,323	8,323
116	ASW RANGE SUPPORT EQUIPMENT	7,121	7,121
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	58,288	58,288
118	ITEMS LESS THAN $5 MILLION	3,546	2,480
	Industrial Facilities Contract Delay		−1,066
119	ANTI-SHIP MISSILE DECOY SYSTEM	36,588	36,588
120	SURFACE TRAINING DEVICE MODS	7,337	7,337
121	SUBMARINE TRAINING DEVICE MODS	34,519	34,519
122	PASSENGER CARRYING VEHICLES	3,719	3,719
123	GENERAL PURPOSE TRUCKS	584	584
124	CONSTRUCTION & MAINTENANCE EQUIP	13,935	10,435
	Contract Delays		−3,500
125	FIRE FIGHTING EQUIPMENT	12,853	12,853
126	TACTICAL VEHICLES	31,741	25,241
	FMTV Contract Savings		−2,300
	Energy Initiative Unjustified Requirement		−4,200
127	AMPHIBIOUS EQUIPMENT	3,132	3,132
128	POLLUTION CONTROL EQUIPMENT	5,154	5,154
129	ITEMS UNDER $5 MILLION	24,770	24,770
130	PHYSICAL SECURITY VEHICLES	1,128	1,128
131	MATERIALS HANDLING EQUIPMENT	15,504	14,030

P–1		Budget Request	Recommendation
.....	General Purpose Forklift Cost Growth	.....	−1,474
132	OTHER SUPPLY SUPPORT EQUIPMENT	6,655	6,655
133	FIRST DESTINATION TRANSPORTATION	6,315	6,315
134	SPECIAL PURPOSE SUPPLY SYSTEMS	66,549	66,549
135	TRAINING SUPPORT EQUIPMENT	11,429	11,429
137	COMMAND SUPPORT EQUIPMENT	47,306	37,840
.....	BUPERS Software Cost Growth	.....	−2,500
.....	SPAWAR Hardware Items Cost Growth	.....	−1,080
.....	ERP Kits Cost Growth	.....	−900
.....	JFCOM National Small Unit Center	.....	−3,075
.....	Future Pay and Personnel System Ahead of Need	.....	−1,911
138	EDUCATION SUPPORT EQUIPMENT	2,067	2,067
139	MEDICAL SUPPORT EQUIPMENT	7,679	5,679
.....	Fleet Allowance List Outfitting Cost Growth	.....	−2,000
141	NAVAL MIP SUPPORT EQUIPMENT	1,433	1,433
143	OPERATING FORCES SUPPORT EQUIPMENT	12,754	12,754
144	C4ISR EQUIPMENT	5,317	5,317
145	ENVIRONMENTAL SUPPORT EQUIPMENT	20,033	20,033
146	PHYSICAL SECURITY EQUIPMENT	154,805	141,475
.....	Shipboard Protection System Installation Costs Excess to Need	.....	−5,500
.....	Shipboard Protection System Support Cost Growth	.....	−6,000
.....	Biometrics Ahead of Need	.....	−1,830
XX	PROCUREMENT INNOVATION	.....	15,000
.....	Procurement Innovation	.....	+15,000
147	ENTERPRISE INFORMATION TECHNOLOGY	377,353	159,653
.....	Navy Requested Transfer to OM,N AGSAG BSIT for NGEN	.....	−217,700
149	SPARES AND REPAIR PARTS	215,906	215,906
.....	CLASSIFIED PROGRAMS	19,767	19,767
.....	TOTAL, OTHER PROCUREMENT, NAVY	6,450,208	5,804,963
	PROCUREMENT, MARINE CORPS		
1	AAV7A1 PIP	7,749	7,749
2	LAV PIP	41,277	41,277
4	EXPEDITIONARY FIRE SUPPORT SYSTEM	9,723	9,723
5	155MM LIGHTWEIGHT TOWED HOWITZER	10,356	10,356
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	22,230	22,230
7	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	26,091	26,091
9	MODIFICATION KITS	40,916	30,559
.....	Unexecutable Program—M1A1 Survivability Kits	.....	−10,357
10	WEAPONS ENHANCEMENT PROGRAM	13,115	13,115
11	GROUND BASED AIR DEFENSE	5,175	3,855
.....	Program Adjustment	.....	−1,320
13	FOLLOW ON TO SMAW	21,570	21,570
14	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,315	20,315
15	MODIFICATION KITS	3,798	3,798
16	COMBAT OPERATIONS CENTER	10,776	10,776
17	REPAIR AND TEST EQUIPMENT	25,636	25,636
18	COMBAT SUPPORT SYSTEM	32,877	32,877
20	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,405	3,405
21	AIR OPERATIONS C2 SYSTEMS	67,568	67,568
22	RADAR SYSTEMS	860	860
23	FIRE SUPPORT SYSTEM	3,906	3,906
24	INTELLIGENCE SUPPORT EQUIPMENT	92,377	92,377
25	RQ-11 UAV	32,490	16,490
.....	Program Delay—Tier 2 UAS	.....	−16,000
26	DCGS-MC	4,582	0
.....	DCGS-MC Program Delay	.....	−4,582
28	COMMON COMPUTER RESOURCES	258,947	218,947
.....	Unjustified Request—MC Intranet	.....	−40,000
29	COMMAND POST SYSTEMS	33,021	33,021
30	RADIO SYSTEMS	40,551	20,051
.....	Program Delay—JTRS handheld	.....	−20,500
31	COMM SWITCHING & CONTROL SYSTEMS	32,279	22,279
.....	Execution Delay—WNS–T	.....	−10,000
32	COMM & ELEC INFRASTRUCTURE SUPPORT	15,278	15,278
33	COMMERCIAL PASSENGER VEHICLES	1,157	1,157
34	COMMERCIAL CARGO VEHICLES	12,696	12,696
35	5/4T TRUCK HMMWV (MYP)	4,849	0
.....	Service Requested Reduction	.....	−4,849
36	MOTOR TRANSPORT MODIFICATIONS	5,253	5,253
37	MEDIUM TACTICAL VEHICLE REPLACEMENT	11,721	11,721
38	LOGISTICS VEHICLE SYSTEM REPLACEMENT	133,827	133,827
39	FAMILY OF TACTICAL TRAILERS	19,156	19,156
40	TRAILERS	8,075	8,075
41	ITEMS LESS THAN $5 MILLION	6,016	6,016
42	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,110	5,110
43	BULK LIQUID EQUIPMENT	10,743	10,743
44	TACTICAL FUEL SYSTEMS	29,330	29,330
45	POWER EQUIPMENT ASSORTED	19,419	19,419
46	AMPHIBIOUS SUPPORT EQUIPMENT	11,718	11,718
47	EOD SYSTEMS	64,093	64,093
48	PHYSICAL SECURITY EQUIPMENT	16,419	16,419
49	GARRISON MOBILE ENGR EQUIP	10,976	10,976
50	MATERIAL HANDLING EQUIP	24,376	24,376
51	FIRST DESTINATION TRANSPORTATION	2,748	2,748
52	FIELD MEDICAL EQUIPMENT	6,722	6,722
53	TRAINING DEVICES	5,668	5,668
54	CONTAINER FAMILY	897	897
55	FAMILY OF CONSTRUCTION EQUIPMENT	18,261	18,261
57	BRIDGE BOATS	12,567	12,567
58	RAPID DEPLOYABLE KITCHEN	4,283	4,283
59	ITEMS LESS THAN $5 MILLION	7,572	7,572
60	SPARES AND REPAIR PARTS	13,524	13,524
.....	TOTAL, PROCUREMENT, MARINE CORPS	1,344,044	1,236,436
	AIRCRAFT PROCUREMENT, AIR FORCE		
1	F–35	3,729,242	4,064,442
.....	Air Force Requested Transfer from AP, AF line 43	.....	+29,700
.....	Production Support Carryover	.....	−60,000
.....	Delete Five Aircraft	.....	−608,500
.....	Transfer Eight Aircraft from STOVL Variant	.....	974,000
2	F–35 (AP–CY)	257,000	257,000
3	F–22A	158,039	158,039
5	C–17A (MYP)	14,283	48,683
.....	Air Force Requested Transfer from AP, AF line 88	.....	+114,400
.....	Slow Execution	.....	−80,000
6	C–130J	463,267	455,267
.....	Updated Pricing	.....	−8,000
7	C–130J ADVANCE PROCUREMENT (CY)	48,000	40,000
.....	Updated Pricing	.....	−8,000
8	HC–130J	349,300	307,800
.....	Updated Pricing	.....	−41,500

P–1		Budget Request	Recommendation
9	HC–130J (AP–CY)	10,000	10,000
10	MC–130J	467,465	415,465
	Updated Pricing		−52,000
11	MC–130J (AP–CY)	60,000	60,000
14	JOINT CARGO AIRCRAFT	351,200	351,200
15	LIGHT MOBILITY AIRCRAFT	65,699	65,699
16	USAFA POWERED FLIGHT PROGRAM	4,099	4,099
18	COMM VERT LIFT SPT PLATFORM (UH–1N)	6,432	0
	Air Force Requested Transfer to RDTE, AF line 113		−6,432
19	V–22 OSPREY	393,098	393,098
20	V–22 OSPREY (AP–CY)	13,621	13,621
24	CIVIL AIR PATROL A/C	2,424	2,424
25	HH–60M OPERATIONAL LOSS REPLACEMENT	104,447	104,447
27	STUASLO	3,253	3,253
28	TARGET DRONES	85,505	85,505
29	C–37A	52,000	52,000
30	RQ–4 UAV	649,629	503,029
	Air Force Requested Transfer to AP, AF line 31		−25,600
	Unjustified Cost Increase, Sensors		−11,000
	Unjustified Request, Spares		−110,000
31	RQ–4 UAV (AP–CY)	90,200	72,300
	Air Force Requested Transfer from AP, AF line 30		+25,600
	Air Force Adjustment		−43,500
32	MC 130 IN BA 04	9,932	0
	Air Force Requested Transfer to AC–130 Recap Program		−9,932
xx	AC–130 Recap		9,932
	Air Force Requested Transfer from MC–130 program		+9,932
34	MQ–9	863,595	318,131
	Spares		−167,788
	Support Equipment—Forward Funding		−42,000
	Production Support—Forward Funding		−98,376
	Funded Ahead of Need		−21,300
	Transfer 12 Aircraft to Title IX		−216,000
35	B–2A	63,371	63,371
37	B–1B	200,090	200,090
38	B–52	69,074	21,074
	CONECT—Funded Ahead of Need		−35,000
	Transfer to RDTE, AF line 117 for Internal Weapons Bay		−13,000
39	A–10	165,361	187,361
	Program Increase—Helmet Mounting Cueing System		+22,000
40	F–15	302,235	337,041
	C/D Flight Data Recorder—Early to Need		−11,408
	E-model Flight Data Recorder—Early to Need		−11,786
	Program Reduction		−4,000
	AESA Radar for ANG F–15Cs		+62,000
41	F–16	167,188	167,188
42	F–22A	492,199	437,739
	Unjustified Request		−54,460
43	F–35 MODIFICATIONS	123,936	4,636
	Funded Ahead of Need		−82,000
	Air Force Requested Transfer to AP, AF line 1		−29,700
	Air Force Requested Transfer to RDTE, AF line 81 for Auto GCAS		−7,600
44	C–5	740,369	37,252
	Block Upgrade—Ahead of Need		−21,260
	Funded Ahead of Need		−5,400
	Transfer C–5 RERP to New AP, AF Line		−676,457
45	C–5 (AP–CY)	166,900	106,900
	Funded with fiscal year 2009 and 2010 funds		−60,000
xx	C–5 RERP		676,457
	Transfer C–5 RERP from AP, AF line 44		+676,457
46	C–9C	10	0
	Program Terminated		−10
47	C-17A	351,614	217,547
	OBIGGS Kits—Reduction of Four kits		−13,800
	Extended Range Retrofits Kits—Reduction of One Kit		−5,267
	Excess to Need		−98,000
	Funded Ahead of Need		−17,000
48	C–21	339	339
49	C–32A	12,113	12,113
50	C–37A	12,162	12,162
51	GLIDER MODS	120	120
52	T6	24,644	24,644
53	T–1	83	83
54	T–38	28,288	26,288
	Funded Ahead of Need		−2,000
56	KC–10A (ATCA)	13,777	11,777
	Funded Ahead of Need		−2,000
57	C–12	7,645	7,645
58	MC–12W	10,826	10,826
59	C–20 MODS	736	736
60	VC–25A MOD	13,175	13,175
61	C–40	10,697	10,697
62	C–130	257,339	296,939
	Air Force Requested Transfer from RDTE, AF line 220 for Avionics Upgrades to Special Mission Aircraft		+65,000
	Excess to Need		−25,400
63	C–130 MODS INTEL	3,963	3,963
64	C130J MODS	80,205	64,205
	Contract Slip—Crashworthy Seats		−16,000
65	C–135	44,228	37,428
	Block 45 Contract Delay		−8,400
	Low Cost Modifications		+1,600
66	COMPASS CALL MODS	176,558	101,558
	EC–130 Program Full Funding Violation		−75,000
67	DARP	105,540	105,540
68	E–3	195,163	195,163
69	E–4	37,526	37,526
70	E–8	188,504	6,397
	E–8 Reengining—Ahead of Need		−120,407
	Engine Installs—Ahead of Need		−5,000
	Funded Ahead of Need		−56,700
71	H–1	2,457	2,457
72	H–60	11,630	41,930
	Funded Ahead of Need		−1,700
	Simulators and Low Cost Modifications		+32,000
73	RQ–4 UAV MODS	119,415	116,415
	Unjustified Cost Increase—ASIP sensors		−3,000
74	HC/MC–130 MODIFICATIONS	1,944	1,944
75	OTHER AIRCRAFT	159,423	15,723
	Transfer FAB–T Funds to RDTE, AF line 180		−119,700
	Delete FAB–T Funds—Early to Need		−24,000
76	MQ–1 MODS	208,213	20,213
	Excess to Need		−188,000
77	MQ–9 MODS	108,922	0
	Contract Delay—GCS		−50,884

P–1		Budget Request	Recommendation
.....	Contract Delay—Reaper Retrofits	.....	−58,038
78	MQ–9 PAYLOAD—UAS	115,383	0
.....	Transfer to Title IX	.....	−115,383
79	CV–22 MODS	13,964	13,964
80	INITIAL SPARES/REPAIR PARTS	622,020	698,220
.....	Unjustified Request—Joint Stars Re-engining Spares	.....	−11,700
.....	Program Increase—F–22 Engine Spares	.....	+100,000
.....	Excess to Need	.....	−12,100
81	AIRCRAFT REPLACEMENT SUPPORT EQUIP	91,701	58,301
.....	Underexecution	.....	−20,000
.....	Funded Ahead of Need	.....	−13,400
82	B–1	6,791	6,791
83	B–2A	26,217	26,217
84	B–52	3,443	1,743
.....	Funded Ahead of Need	.....	−1,700
85	C–5	195	195
87	KC–10A (ATCA)	5,702	5,702
88	C–17A	153,347	20,947
.....	Air Force Requested Transfer to AP, AF line 5	.....	−114,400
.....	Unjustified Funding for Shutdown Activities	.....	−18,000
89	C–130	28,295	28,295
91	F–15 POST PRODUCTION SUPPORT	21,599	17,599
.....	Excess to Need	.....	−4,000
92	F–16 POST PRODUCTION SUPPORT	17,838	12,738
.....	Excess to Need	.....	−5,100
93	T–6	9,450	9,450
94	OTHER AIRCRAFT	53,953	53,953
96	INDUSTRIAL PREPAREDNESS	24,619	24,619
97	WAR CONSUMABLES	92,939	92,939
98	OTHER PRODUCTION CHARGES	1,079,742	912,372
.....	Funded Ahead of Need	.....	−6,732
.....	Transfer to Title IX	.....	−160,638
99	OTHER PRODUCTION CHARGES—MQ–1	37,500	37,500
104	DARP	19,117	19,117
.....	CLASSIFIED PROGRAMS	12,981	12,981
.....	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	15,366,508	13,483,739
	MISSILE PROCUREMENT, AIR FORCE		
1	MISSILE REPLACEMENT EQ-BALLISTIC	60,647	60,647
2	JASSM	215,825	215,825
3	SIDEWINDER (AIM-9X)	64,523	64,523
4	AMRAAM	355,358	348,358
.....	Support Funding Carryover	.....	−7,000
5	PREDATOR HELLFIRE MISSILE	44,570	44,570
6	SMALL DIAMETER BOMB	134,884	119,884
.....	Accounting Error	.....	−15,000
7	INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION	833	833
8	ADVANCED CRUISE MISSILE	48	48
9	MM III MODIFICATIONS	123,378	133,178
.....	Air Force Requested Transfer from RDTE, AF line 175 for MEECN	.....	+9,800
10	AGM-65D MAVERICK	260	260
11	AGM-88A HARM	4,079	4,079
12	AIR LAUNCH CRUISE MISSILE	10,795	10,795
13	INITIAL SPARES/REPAIR PARTS	43,192	43,192
14	ADVANCED EHF	38,078	38,078
15	ADVANCED EHF (AP-CY)	208,520	208,520
16	WIDEBAND GAPFILLER SATELLITES	517,601	517,601
17	WIDEBAND GAPFILLER SATELLITES (AP-CY)	58,110	58,110
18	GPS III SPACE SEGMENT	122,490	122,490
19	SPACEBORNE EQUIP (COMSEC)	14,894	14,894
20	GLOBAL POSITIONING (SPACE)	64,609	64,609
23	DEF METEOROLOGICAL SAT PROG (SPACE)	88,719	88,719
24	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	1,153,976	1,153,976
26	SBIR HIGH (SPACE)	700,704	700,704
27	SBIR HIGH (SPACE) (AP-CY)	270,000	270,000
28	NATL POLAR-ORBITING OP ENV SATELLITE	26,308	0
.....	Program Termination-Early to Need	.....	−26,308
33	SPECIAL UPDATE PROGRAMS	247,584	247,584
.....	CLASSIFIED PROGRAMS	893,287	893,287
.....	TOTAL, MISSILE PROCUREMENT, AIR FORCE	5,463,272	5,424,764
	PROCUREMENT OF AMMUNITION, AIR FORCE		
1	ROCKETS	19,106	19,106
2	CARTRIDGES	141,049	141,049
3	PRACTICE BOMBS	34,094	23,442
.....	BDU-56A/B CDI Program Delay	.....	−10,652
4	GENERAL PURPOSE BOMBS	183,845	183,845
5	JOINT DIRECT ATTACK MUNITION	104,642	179,361
.....	Additional JDAM for War Reserve Stockpile	.....	+74,719
6	CAD/PAD	37,016	37,016
7	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,383	3,383
8	SPARES AND REPAIR PARTS	1,000	1,000
9	MODIFICATIONS	1,112	1,112
10	ITEMS LESS THAN $5,000,000	5,015	5,015
11	FLARES	72,758	72,758
12	FUZES	57,337	57,337
13	SMALL ARMS	7,063	7,063
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	667,420	731,487
	OTHER PROCUREMENT, AIR FORCE		
1	PASSENGER CARRYING VEHICLE	29,207	29,207
2	FAMILY MEDIUM TACTICAL VEHICLE	45,618	37,618
.....	Contract Savings	.....	−8,000
3	CAP VEHICLES	902	902
4	ITEMS LESS THAN $5M (CARGO)	31,773	31,773
5	SECURITY AND TACTICAL VEHICLES	52,867	48,867
.....	Up-Armored HMMWV Unjustified Cost Growth	.....	−4,000
6	ITEMS LESS THAN $5M	18,358	18,358
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	26,924	26,924
9	ITEMS LESS THAT $5,000,000	14,501	14,501
10	RUNWAY SNOW REMOVAL & CLEANING EQUIP	25,404	25,404
11	ITEMS LESS THAN $5M	54,570	54,570
13	COMSEC EQUIPMENT	216,381	180,381
.....	Unjustified Growth	.....	−36,000
14	MODIFICATIONS (COMSEC)	1,582	0
.....	Undefined Requirement	.....	−1,582
15	INTELLIGENCE TRAINING EQUIPMENT	2,634	2,634
16	INTELLIGENCE COMM EQUIP	30,685	30,685
17	TRAFFIC CONTROL/LANDING	6,517	6,517
18	NATIONAL AIRSPACE SYSTEM	112,056	88,940

P–1		Budget Request	Recommendation
.....	Site Activation Ahead of Need	.....	−23,116
19	THEATER AIR CONTROL SYS IMPRO	55,326	55,326
20	WEATHER OBSERVATION FORECAST	21,018	18,045
.....	OS-21 Contract Delays	.....	−2,973
21	STRATEGIC COMMAND AND CONTROL	28,164	28,164
22	CHEYENNE MOUNTAIN COMPLEX	18,416	15,716
.....	Contract Delays	.....	−2,700
23	TAC SIGINT SPT	377	377
25	GENERAL INFORMATION TECHNOLOGY	74,285	74,285
26	AF GLOBAL COMMAND & CONTROL SYSTEM	9,210	9,210
27	MOBILITY COMMAND AND CONTROL	8,688	7,388
.....	Contract Delays	.....	−1,300
28	AIR FORCE PHYSICAL SECURITY SYSTEM	99,281	99,281
29	COMBAT TRAINING RANGES	29,637	49,637
.....	Training Range Enhancements	.....	+20,000
30	C3 COUNTERMEASURES	11,112	11,112
31	GCSS-AF FOS	53,349	31,335
.....	ECSS Ahead of Need	.....	−20,914
.....	CMOS Excess to Need	.....	−1,100
32	THEATER BATTLE MGT C2 SYS	20,525	20,525
33	AIR OPERATIONS CENTER (AOC)	58,284	38,534
.....	Technical Refresh Unjustified Growth	.....	−15,000
.....	Recurring Events Unjustified Growth	.....	−4,750
34	INFORMATION TRANSPORT SYSTEMS	101,993	56,993
.....	Unjustified Growth	.....	−45,000
35	BASE INFORMATION INFRASTRUCTURE	193,830	113,830
.....	Unjustified Growth	.....	−80,000
36	AFNET	151,643	91,643
.....	Unjustified Growth	.....	−60,000
37	VOICE SYSTEMS	25,399	15,399
.....	Unjustified Growth	.....	−10,000
38	USCENTCOM	36,020	36,020
39	SPACE BASED IR SENSOR PROG SPACE	24,804	24,804
40	NAVSTAR GPS SPACE	5,279	5,279
41	NUDET DETECTION SYS (NDS) SPACE	5,926	5,926
42	AF SATELLITE CONTROL NETWORK SPACE	60,383	60,383
43	SPACELIFT RANGE SYSTEM SPACE	91,004	91,004
44	MILSATCOM SPACE	221,545	190,717
.....	FAB-T Early to Need	.....	−7,538
.....	AFWET Modernization Enterprise Terminal Ahead of Need	.....	−23,290
45	SPACE MODS SPACE	18,384	18,384
46	COUNTERSPACE SYSTEM	18,801	18,801
47	TACTICAL C-E EQUIPMENT	268,140	242,995
.....	JTC Training and Rehearsal System Ahead of Need	.....	−25,145
48	COMBAT SURVIVOR EVADER LOCATER	34,925	34,925
49	RADIO EQUIPMENT	14,541	7,041
.....	Contract Delays	.....	−7,500
50	CCTV/AUDIOVISUAL EQUIPMENT	11,613	11,613
51	BASE COMM INFRASTRUCTURE	108,308	108,308
52	COMM ELECT MODS	74,356	68,538
.....	ILS Ahead of Need	.....	−2,300
.....	BMEWS Ahead of Need	.....	−2,000
.....	OS-21 Contract Delays	.....	−1,518
53	NIGHT VISION GOGGLES	20,873	14,573
.....	Night Vision Cueing and Display Contract Delays	.....	−6,300
54	ITEMS LESS THAN $5,000,000 (SAFETY)	14,292	14,292
55	MECHANIZED MATERIAL HANDLING	12,853	12,853
56	BASE PROCURED EQUIPMENT	4,788	4,788
57	CONTINGENCY OPERATIONS	28,390	27,190
.....	Rapid Airfield Damage Assessment System Ahead of Need	.....	−1,200
58	PRODUCTIVITY CAPITAL INVESTMENT	1,879	1,879
59	MOBILITY EQUIPMENT	38,558	38,558
60	ITEMS LESS THAN $5M (BASE SUPPORT)	4,989	4,989
62	DARP RC135	23,296	23,296
63	DISTRIBUTED GROUND SYSTEMS	271,015	264,015
.....	Program Reduction	.....	−7,000
65	SPECIAL UPDATE PROGRAM	489,680	439,680
.....	Classified Adjustment	.....	−50,000
66	DEFENSE SPACE RECONNAISSANCE PROGRAM	32,668	32,668
XX	PROCUREMENT INNOVATION	.....	15,000
.....	Procurement Innovation	.....	+15,000
70	SPARES AND REPAIR PARTS	19,046	19,046
.....	CLASSIFIED PROGRAMS	14,258,508	14,396,445
.....	Classified Adjustment	.....	+137,937
.....	TOTAL, OTHER PROCUREMENT, AIR FORCE	17,845,380	17,568,091
	PROCUREMENT, DEFENSE-WIDE		
1	MAJOR EQUIPMENT, BTA	4,000	4,000
2	MAJOR EQUIPMENT, DCCA, ITEMS LESS THAN $5M	1,477	1,477
3	MAJOR EQUIPMENT, DCMA	2,052	2,052
4	MAJOR EQUIPMENT, DHRA, PERSONNEL ADMINISTRATION	32,263	32,263
17	INFORMATION SYSTEMS SECURITY	14,625	14,625
18	GLOBAL COMMAND AND CONTROL SYS	5,275	5,275
19	GLOBAL COMBAT SUPPORT SYSTEM	2,803	2,803
20	TELEPORT PROGRAM	78,227	78,227
21	ITEMS LESS THAN $5M	153,288	153,288
22	NET CENTRIC ENTERPRISE SERVICES (NCES)	4,391	4,391
23	DEFENSE INFORMATION SYSTEMS NETWORK	86,206	86,206
24	PUBLIC KEY INFRASTRUCTURE	1,710	1,710
27	CYBER SECURITY INITIATIVE	22,493	22,493
28	MAJOR EQUIPMENT, DLA	4,846	4,846
29	COST	10,478	10,478
30	MAJOR EQUIPMENT, DODEA, AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,451	1,451
31	VEHICLES	50	50
32	OTHER MAJOR EQUIPMENT	12,007	12,007
34	TERMINAL HIGH ALTITUDE AREA DEFENSE FIELDING	858,870	586,870
.....	Production Delay Due to Investigation of Failed Safety Component	.....	−272,000
35	AEGIS FIELDING	94,080	94,080
35A	ISRAELI COOPERATIVE PROGRAMS	0	205,000
.....	Iron Dome Program	.....	+205,000
45	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	2,546	2,546
50	MAJOR EQUIPMENT, OSD	124,050	124,050
51	MAJOR EQUIPMENT, INTELLIGENCE	20,138	20,138
53	MAJOR EQUIPMENT, TJS	11,526	11,526
54	MAJOR EQUIPMENT, WHS	27,179	27,179
55	SOF ROTARY WING UPGRADES AND SUSTAINMENT	79,840	79,840
55A	MH-47G	0	100,449
.....	SOCOM Requested Transfer from P,DW line 56	.....	+100,449
56	MH-47 SERVICE LIFE EXTENSION PROGRAM	107,934	7,485
.....	SOCOM Requested Transfer to P,DW line 55A	.....	−100,449
57	MH-60 SOF MODERNIZATION PROGRAM	179,375	137,875
.....	SOCOM Requested Transfer to RDTE,DW line 268	.....	−25,100
.....	Quantity Reduction Due to Program Delay	.....	−16,400

P–1		Budget Request	Recommendation
58	NON-STANDARD AVIATION	179,949	58,681
	Medium NSAV - Transfer to Title IX		−121,268
60	SOF TANKER RECAPITALIZATION	19,996	4,996
	Contract Delays		−15,000
61	SOF U-28	404	404
62	RQ-11 UAV	2,090	2,090
63	CV-22 SOF MODIFICATION	124,035	124,035
64	MQ-1 UAV	1,948	1,948
65	MQ-9 UAV	1,965	1,965
66	STUASLO	12,148	12,148
67	C-130 MODIFICATIONS	22,500	9,261
	Low Cost Modifications - Execution		−7,039
	Aircrew Situational Awareness System		−6,200
68	AIRCRAFT SUPPORT	489	489
69X	PROCUREMENT INNOVATION	0	15,000
	Procurement Innovation		+15,000
70	MK VIII MOD 1 - SEAL DELIVERY VEH	823	823
71	SOF ORDNANCE REPLENISHMENT	79,608	79,608
72	SOF ORDNANCE ACQUISITION	24,215	24,215
73	COMM EQUIPMENT & ELECTRONICS	58,390	44,390
	SOF Deployable Node Delays Due to Protests		−14,000
74	SOF INTELLIGENCE SYSTEMS	75,892	81,092
	Program Increase - Unfunded Requirement		+5,200
75	SMALL ARMS & WEAPONS	30,094	30,094
76	DCGS-SOF	5,225	5,225
77	MARITIME EQUIPMENT MODS	206	206
79	SOF COMBATANT CRAFT SYSTEMS	11,706	8,306
	Unvalidated Requirement - Large SFA Craft		−3,400
80	SPARES AND REPAIR PARTS	977	977
81	TACTICAL VEHICLES	30,965	33,365
	Program Increase - AFSOC Unfunded Requirement		+2,400
82	MISSION TRAINING AND PREPARATIONS SYSTEMS	28,354	18,354
	MH-60M Simulator Modernization Program		−10,000
83	COMBAT MISSION REQUIREMENTS	20,000	20,000
84	MILCON COLLATERAL EQUIPMENT	102,556	102,556
88	SOF AUTOMATION SYSTEMS	52,353	52,353
89	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	9,714	9,714
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	30,900	30,900
91	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	221	5,661
	Program Increase - Unfunded Requirement		+5,440
92	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEM	18,626	18,626
93	SOF TACTICAL RADIO SYSTEMS	35,234	37,554
	Program Increase - Unfunded Requirement		+2,320
94	SOF MARITIME EQUIPMENT	804	804
96	MISCELLANEOUS EQUIPMENT	7,774	7,774
97	SOF OPERATIONAL ENHANCEMENTS	269,182	263,182
	Program Increase - HSAC Unfunded Requirement		+4,000
	Program Adjustment		−10,000
98	PSYOP EQUIPMENT	25,266	25,266
99	INSTALLATION FORCE PROTECTION	90,635	90,635
100	INDIVIDUAL PROTECTION	74,686	74,686
101	DECONTAMINATION	21,570	21,570
102	JOINT BIOLOGICAL DEFENSE PROGRAM	19,389	10,389
	Reduction for Anthrax Vaccine Purchased by HHS		−9,000
103	COLLECTIVE PROTECTION	27,542	27,542
104	CONTAMINATION AVOIDANCE	136,114	136,114
	CLASSIFIED PROGRAMS	682,643	681,643
	Classified Adjustment		−1,000
	TOTAL, PROCUREMENT, DEFENSE-WIDE	4,280,368	4,009,321
	DEFENSE PRODUCTION ACT		
	GALLIUM NITRIDE X-BAND MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	8,579	8,579
	GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	BERYLLIUM SUPPLY INDUSTRIAL BASE	6,897	6,897
	SPACE	770	770
	NATIONAL SECURITY SPACE INDUSTRIAL AND SUPPLY BASE RISK MITIGATION PROGRAM	8,500	10,900
	Program Increase		+2,400
	ALTERNATIVE ENERGY FROM ORGANIC SOURCES		3,200
	TOTAL, DEFENSE PRODUCTION ACT	28,746	34,346
	TOTAL, PROCUREMENT	111,189,951	102,121,873

R–1		Budget Request	Recommendation
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY		
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,780	21,780
2	DEFENSE RESEARCH SCIENCES	195,845	195,845
3	UNIVERSITY RESEARCH INITIATIVES	91,161	87,561
	V72-Transfer to D55		−3,300
	D55-Transfer from V72		+3,300
	V72-Non-Department of Defense funding		−3,600
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	98,087	98,087
5	MATERIALS TECHNOLOGY	29,882	29,882
6	SENSORS AND ELECTRONIC SURVIVABILITY	48,929	48,929
7	TRACTOR HIP	14,624	14,624
8	AVIATION TECHNOLOGY	43,476	43,476
9	ELECTRONIC WARFARE TECHNOLOGY	17,330	17,330
10	MISSILE TECHNOLOGY	49,525	49,525
11	ADVANCED WEAPONS TECHNOLOGY	18,190	18,190
12	ADVANCED CONCEPTS AND SIMULATION	20,582	20,582
13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,740	64,740
14	BALLISTICS TECHNOLOGY	60,342	60,342
15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	5,324	10,924
	Emerging Chemical Agent Threat		+5,600
16	JOINT SERVICE SMALL ARMS PROGRAM	7,893	7,893
17	WEAPONS AND MUNITIONS TECHNOLOGY	42,645	42,645
18	ELECTRONICS AND ELECTRONIC DEVICES	60,859	60,859
19	NIGHT VISION TECHNOLOGY	40,228	40,228
20	COUNTERMINE SYSTEMS	19,118	19,118
21	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,042	21,042
22	ENVIRONMENTAL QUALITY TECHNOLOGY	18,364	22,364
	Research, Development and Engineering Command		+4,000
23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	25,573	25,573
24	COMPUTER AND SOFTWARE TECHNOLOGY	6,768	6,768
25	MILITARY ENGINEERING TECHNOLOGY	79,189	75,184
	Joint Integrated Base Defense Program Office transfer to line 60 at request of the Army		−4,005
26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	22,198	22,198
27	WARFIGHTER TECHNOLOGY	27,746	27,746

R–1		Budget Request	Recommendation
28	MEDICAL TECHNOLOGY	96,797	96,797
29	WARFIGHTER ADVANCED TECHNOLOGY	37,364	37,364
30	MEDICAL ADVANCED TECHNOLOGY	71,510	115,510
	Peer-Reviewed Neurotoxin Exposure Treatment Parkinsons Research Program		+20,000
	Neurofibromatosis Research		+16,000
	Military Burn Trauma Research Program		+8,000
31	AVIATION ADVANCED TECHNOLOGY	57,454	57,454
32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	64,438	64,438
33	COMBAT VEHICLE AND AUTOMOTIVE ADV TECHNOLOGY	89,499	125,819
	Alternative Energy		+36,320
34	COMMAND, CONTROL, COMMUNICATIONS ADV TECH	8,102	8,102
35	MANPOWER, PERSONNEL AND TRAINING ADV TECH	7,921	7,921
36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,359	50,359
37	TRACTOR HIKE	8,015	8,015
38	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	15,334	15,334
39	TRACTOR ROSE	12,309	12,309
41	MILITARY HIV RESEARCH	6,688	26,688
	HIV Research		+20,000
42	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	10,550	10,550
43	ELECTRONIC WARFARE TECHNOLOGY	18,350	18,350
44	MISSILE AND ROCKET ADVANCED TECHNOLOGY	84,553	79,053
	P 704 excessive growth without strategy		−5,500
45	TRACTOR CAGE	9,986	9,986
46	LANDMINE WARFARE AND BARRIER ADVANCED TECH	26,953	26,953
47	JOINT SERVICE SMALL ARMS PROGRAM	9,151	9,151
48	NIGHT VISION ADVANCED TECHNOLOGY	39,912	39,912
49	ENVIRONMENTAL QUALITY TECHNOLOGY DEMO	15,878	15,878
50	MILITARY ENGINEERING ADVANCED TECHNOLOGY	27,393	24,393
	Program reduction		−3,000
51	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	24,873	24,873
53	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,455	11,455
54	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	27,551	27,551
56	LANDMINE WARFARE AND BARRIER-ADV DEV	15,596	15,596
57	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	2,425	2,425
58	TANK AND MEDIUM CALIBER AMMUNITION	42,183	37,183
	AKE 120mm cartridge EMD Phase II contract award delay		−5,000
59	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	136,302	207,702
	S-MOD milestone B delay		−57,000
	Stryker DVH		+128,400
60	SOLDIER SUPPORT AND SURVIVABILITY	18,556	8,239
	Joint Integrated Base Defense Program Office-Transfer from line 25 at request of the Army		+4,005
	REF funded in Title IX		−14,322
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM-AD	17,962	12,162
	Unsustained growth		−5,800
62	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	0	5,159
	CSP-Transfer from line 177 at request of the Army		+5,159
63	ENVIRONMENTAL QUALITY TECHNOLOGY	4,695	4,695
64	WARFIGHTER INFORMATION NETWORK-TACTICAL	190,903	190,903
65	NATO RESEARCH AND DEVELOPMENT	5,060	5,060
66	AVIATION-ADV DEV	8,355	8,355
67	LOGISTICS AND ENGINEER EQUIPMENT-ADV DEV	80,490	65,315
	JLTV EMD contract award delay		−15,175
68	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	14,290	14,290
69	MEDICAL SYSTEMS-ADV DEV	28,132	28,132
70	SOLDIER SYSTEMS-ADVANCED DEVELOPMENT	48,323	48,323
71	INTEGRATED BROADCAST SERVICE	970	970
72	ENDURANCE UAVS	93,000	93,000
73	AIRCRAFT AVIONICS	89,210	74,210
	SOSCOE Apache Block III integration change in requirements		−15,000
74	ARMED, DEPLOYABLE OH-58D	72,550	72,550
75	ELECTRONIC WARFARE DEVELOPMENT	172,269	149,755
	CIRCM test and evaluation funds requested ahead of need		−22,514
76	JOINT TACTICAL RADIO	784	784
77	ALL SOURCE ANALYSIS SYSTEM	22,574	18,074
	EMD contract award delay		−4,500
78	TRACTOR CAGE	23,194	23,194
79	INFANTRY SUPPORT WEAPONS	80,337	70,337
	S62 - Milestone B delay		−10,000
80	MEDIUM TACTICAL VEHICLES	3,710	3,710
81	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	5,335	5,335
82	JAVELIN	9,999	0
	Lack of acquisition strategy		−9,999
83	FAMILY OF HEAVY TACTICAL VEHICLES	3,519	3,519
84	AIR TRAFFIC CONTROL	9,892	9,892
85	LIGHT TACTICAL WHEELED VEHICLES	1,990	1,990
86	NON-LINE OF SIGHT LAUNCH SYSTEM	81,247	0
	Program termination		−81,247
89	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	568,711	498,711
	Program reduction		−70,000
90	FCS RECONNAISSANCE (UAV) PLATFORMS	50,304	50,304
91	FCS UNMANNED GROUND VEHICLES	249,948	200,000
	Program reduction		−49,948
92	FCS UNATTENDED GROUND SENSORS	7,515	7,515
93	FCS SUSTAINMENT & TRAINING R&D	610,389	610,389
95	NIGHT VISION SYSTEMS-SDD	52,549	52,549
96	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,118	2,118
97	NON-SYSTEM TRAINING DEVICES-SDD	27,756	27,756
98	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE-SDD	34,209	34,209
99	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	30,291	30,291
100	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,041	14,041
101	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)-SDD	15,547	15,547
103	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	27,670	27,670
105	WEAPONS AND MUNITIONS-SDD	24,345	15,345
	PGK Increment II EMD delay		−9,000
106	LOGISTICS AND ENGINEER EQUIPMENT-SDD	41,039	41,039
107	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	90,736	75,736
	JBC-P unsustained growth		−15,000
108	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	34,474	34,474
109	LANDMINE WARFARE/BARRIER-SDD	95,577	49,577
	Project 016-Scorpion acceleration funded in prior approval reprogramming		−16,000
	Project 415-ASTAMIDS/GSTAMIDS lack of acquisition strategy		−30,000
110	ARTILLERY MUNITIONS	26,371	26,371
111	COMBAT IDENTIFICATION	29,884	3,000
	Unexecutable request		−26,884
112	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	60,970	60,970
113	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	13,576	13,576
114	FIREFINDER	24,736	24,736
115	SOLDIER SYSTEMS—WARRIOR DEM/VAL	20,886	20,886
116	ARTILLERY SYSTEMS	53,624	103,624
	Program Increase		+20,000
	Transfer from WTCV,A line 12 for Paladin PIM		+30,000
117	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM	467,139	467,139
118	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,276	7,276
119	INFORMATION TECHNOLOGY DEVELOPMENT	23,957	23,957

R–1		Budget Request	Recommendation
120	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH	100,500	60,500
	Excessive growth without acquisition strategy		−40,000
121	JOINT AIR-TO-GROUND MISSILE (JAGM)	130,340	130,340
122	SLAMRAAM	23,700	23,700
123	PAC-2/MSE MISSILE	62,500	62,500
124	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	251,124	251,124
125	MANNED GROUND VEHICLE	934,366	461,100
	Program adjustment		−473,266
126	AERIAL COMMON SENSOR	211,500	211,500
127	TROJAN-RH12	3,697	3,697
128	ELECTRONIC WARFARE DEVELOPMENT	21,571	13,571
	EW5-Unsustained growth		−8,000
129	THREAT SIMULATOR DEVELOPMENT	26,158	26,158
130	TARGET SYSTEMS DEVELOPMENT	8,614	8,614
131	MAJOR T&E INVESTMENT	42,102	42,102
132	RAND ARROYO CENTER	20,492	20,492
133	ARMY KWAJALEIN ATOLL	163,788	163,788
134	CONCEPTS EXPERIMENTATION PROGRAM	17,704	17,704
136	ARMY TEST RANGES AND FACILITIES	393,937	412,257
	Army Test Range Infrastructure unfunded requirement		+18,320
137	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	59,040	67,760
	Test and Evaluation Instrumentation unfunded requirement		+8,720
138	SURVIVABILITY/LETHALITY ANALYSIS	41,812	43,412
	Test and Evaluation Instrumentation unfunded requirement		+1,600
139	DOD HIGH ENERGY LASER TEST FACILITY	4,710	4,710
140	AIRCRAFT CERTIFICATION	5,055	5,055
141	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,185	7,185
142	MATERIEL SYSTEMS ANALYSIS	18,078	19,278
	Test and Evaluation Instrumentation unfunded requirement		+1,200
143	EXPLOITATION OF FOREIGN ITEMS	5,460	5,460
144	SUPPORT OF OPERATIONAL TESTING	68,191	68,191
145	ARMY EVALUATION CENTER	61,450	64,090
	Test and Evaluation Instrumentation unfunded requirement		+2,640
146	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	3,926	3,926
147	PROGRAMWIDE ACTIVITIES	73,685	73,685
148	TECHNICAL INFORMATION ACTIVITIES	48,309	48,309
149	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	53,338	44,042
	Project 862-155mm HE projectile underfunded new start		−9,296
150	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	3,195	3,195
151	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	16,154	16,154
153	MLRS PRODUCT IMPROVEMENT PROGRAM	51,619	25,619
	GMLRS AW EMD contract award delay		−26,000
154	AEROSTAT JOINT PROJECT OFFICE	372,493	372,493
155	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	2,360	2,360
156	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	24,622	24,622
157	COMBAT VEHICLE IMPROVEMENT PROGRAMS	204,481	204,481
158	MANEUVER CONTROL SYSTEM	25,540	25,540
159	AIRCRAFT MODS/PRODUCT IMPROVEMENT PROGRAMS	134,999	124,856
	P430 - Chinook RW crashworthy seating previously fully funded		−10,143
160	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG	710	710
161	DIGITIZATION	6,329	6,329
162	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	3,935	3,935
163	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	24,280	24,280
165	TRACTOR CARD	14,870	14,870
167	JOINT TACTICAL GROUND SYSTEM	12,403	12,403
168	JOINT HIGH SPEED VESSEL (JHSV)	3,153	3,153
171	INFORMATION SYSTEMS SECURITY PROGRAM	54,784	11,905
	Protected Information - Biometrics - Transfer to line 171x		−42,879
171x	FAMILY OF BIOMETRICS	0	42,879
	Protected Information - Biometrics - Transfer from line 171		+42,879
172	GLOBAL COMBAT SUPPORT SYSTEM	125,569	125,569
173	SATCOM GROUND ENVIRONMENT (SPACE)	33,694	33,694
174	WWMCCS/GLOBAL COMMAND AND CONTROL SYS	13,024	13,024
177	TACTICAL UNMANNED AERIAL VEHICLES	54,300	49,141
	CSP - Transfer of HD IR funds to line 62 at request of the Army for execution		−5,159
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	103,002	103,002
179	MQ-1 SKY WARRIOR A UAV	123,156	123,156
180	RQ-11 UAV	1,599	1,599
181	RQ-7 UAV	7,805	7,805
183	BIOMETRICS ENABLED INTELLIGENCE	14,114	2,114
	Protected Information - Biometrics		−12,000
185	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,098	61,098
xx	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
	CLASSIFIED PROGRAMS	4,447	4,447
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	10,333,392	9,710,998
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
1	UNIVERSITY RESEARCH INITIATIVES	108,679	108,679
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,979	17,979
3	DEFENSE RESEARCH SCIENCES	429,767	429,767
4	POWER PROJECTION APPLIED RESEARCH	98,150	98,150
5	FORCE PROTECTION APPLIED RESEARCH	107,448	147,448
	Alternative Energy		+40,000
6	MARINE CORPS LANDING FORCE TECHNOLOGY	43,776	43,776
8	COMMON PICTURE APPLIED RESEARCH	70,168	70,168
9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	113,724	113,724
10	RF SYSTEMS APPLIED RESEARCH	83,902	83,902
11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,491	49,491
12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,002	6,002
13	UNDERSEA WARFARE APPLIED RESEARCH	69,186	69,186
14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	36,833	36,833
15	POWER PROJECTION ADVANCED TECHNOLOGY	117,908	117,908
16	FORCE PROTECTION ADVANCED TECHNOLOGY	61,877	61,877
17	COMMON PICTURE ADVANCED TECHNOLOGY	96,720	96,720
18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	98,261	98,261
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	82,143	82,143
20	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	115,089	115,089
21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,131	11,131
22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,076	55,336
	C.W Bill Young Bone Marrow Donor Recruitment and Research Program		+31,500
	Program Increase - Tactical Athlete Program		+5,760
23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	49,276	53,276
	Program Increase - ASW Research		+4,000
24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	53,177	53,177
25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	21,941	21,941
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
26	AIR/OCEAN TACTICAL APPLICATIONS	123,331	118,331
	JMAPS program delay		−5,000
27	AVIATION SURVIVABILITY	9,480	9,480
28	DEPLOYABLE JOINT COMMAND AND CONTROL	4,275	4,275
29	ASW SYSTEMS DEVELOPMENT	8,249	8,249

R–1		Budget Request	Recommendation
30	TACTICAL AIRBORNE RECONNAISSANCE	6,452	6,452
31	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,658	1,658
32	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	81,347	79,247
	Unmanned Surface Sweep System program delay		−2,100
33	SURFACE SHIP TORPEDO DEFENSE	57,796	50,796
	Milestone B delay		−7,000
34	CARRIER SYSTEMS DEVELOPMENT	93,830	91,830
	Navy requested transfer to line 49 for Automatic Test and Re-Test		−2,000
35	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	51	51
36	PILOT FISH	81,784	81,784
37	RETRACT LARCH	142,858	142,858
38	RETRACT JUNIPER	134,497	134,497
39	RADIOLOGICAL CONTROL	1,358	1,358
40	SURFACE ASW	21,673	21,673
41	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	608,566	559,266
	Execution delays		−49,300
42	SUBMARINE TACTICAL WARFARE SYSTEMS	5,590	5,590
43	SHIP CONCEPT ADVANCED DESIGN	17,883	17,883
44	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	1,796	1,796
45	ADVANCED NUCLEAR POWER SYSTEMS	366,509	366,509
46	ADVANCED SURFACE MACHINERY SYSTEMS	5,459	5,459
47	CHALK EAGLE	447,804	447,804
48	LITTORAL COMBAT SHIP (LCS)	226,288	189,588
	LCS-2 post shakedown availability delay		−15,800
	LCS-1 post shakedown availability planning funding excess		−500
	NLOS missile termination		−15,400
	Program Increase - Mine Warfare Testing Disruption		+4,000
	Navy requested transfer to line 49 for Automatic Test and Re-Test		−2,000
	Program Increase - Small Business Technology Insertion (Mine Warfare Modules)		+8,000
	Savings from accelerated DT		−15,000
49	COMBAT SYSTEM INTEGRATION	24,344	34,344
	Navy requested transfer from lines 34, 48, 107, 122 and 136 for Automatic Test and Re-Test		+10,000
50	CONVENTIONAL MUNITIONS	5,388	5,388
51	MARINE CORPS ASSAULT VEHICLES	242,765	222,765
	Expeditionary Fighting Vehicle		−165,000
	Termination Liability, or SDD if certified by the Secretary		+145,000
52	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	40,505	28,505
	JLTV EMD contract award delay		−12,000
53	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	25,873	25,873
54	COOPERATIVE ENGAGEMENT	52,282	52,282
55	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	13,560	13,560
56	ENVIRONMENTAL PROTECTION	20,207	20,207
57	NAVY ENERGY PROGRAM	30,403	34,403
	Program Increase - Alternative Energy from Organic Sources		+4,000
58	FACILITIES IMPROVEMENT	3,746	3,746
59	CHALK CORAL	71,920	71,920
60	NAVY LOGISTIC PRODUCTIVITY	4,139	4,139
61	RETRACT MAPLE	219,463	219,463
62	LINK PLUMERIA	58,030	58,030
63	RETRACT ELM	183,187	183,187
64	SHIP SELF DEFENSE	4,385	4,385
65	LINK EVERGREEN	41,433	41,433
66	SPECIAL PROCESSES	36,457	36,457
67	NATO RESEARCH AND DEVELOPMENT	9,196	9,196
68	LAND ATTACK TECHNOLOGY	905	905
69	NONLETHAL WEAPONS	43,272	43,272
70	JOINT PRECISION APPROACH AND LANDING SYSTEMS	159,151	159,151
73	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS		8,000
	Directed Energy Development and Test		+8,000
74	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	51,693	51,693
75	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE	56,542	50,242
	Program delay		−6,300
76	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	25,121	25,121
77	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	34,793	34,793
78	ASW SYSTEMS DEVELOPMENT - MIP	2,161	2,161
79	SUBMARINE TACTICAL WARFARE SYSTEMS - MIP	4,253	4,253
80	ELECTRONIC WARFARE DEVELOPMENT - MIP	663	663
81	OTHER HELO DEVELOPMENT	44,329	44,329
82	AV-8B AIRCRAFT - ENG DEV	22,867	22,867
83	STANDARDS DEVELOPMENT	45,667	45,667
84	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	55,792	55,792
85	AIR/OCEAN EQUIPMENT ENGINEERING	5,735	5,735
86	P-3 MODERNIZATION PROGRAM	3,574	3,574
87	WARFARE SUPPORT SYSTEM	3,733	3,733
88	TACTICAL COMMAND SYSTEM	89,955	87,955
	Systems engineering growth		−2,000
89	ADVANCED HAWKEYE	171,132	171,132
90	H-1 UPGRADES	60,498	60,498
91	ACOUSTIC SEARCH SENSORS	64,834	64,834
92	V-22A	46,070	44,425
	Fuel forward funded in fiscal year 2010 supplemental		−1,645
93	AIR CREW SYSTEMS DEVELOPMENT	8,689	11,189
	Transfer from AP,N line 52 for Common Mobile Aircrew Restraint System		+2,500
94	EA-18	22,042	21,773
	Fuel forward funded in fiscal year 2010 supplemental		−269
95	ELECTRONIC WARFARE DEVELOPMENT	80,819	80,819
96	VH-71A EXECUTIVE HELO DEVELOPMENT	159,785	159,785
97	NEXT GENERATION JAMMER (NGJ)	120,602	90,602
	Technology development contract delay		−30,000
98	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	687,723	627,723
	Airborne Maritime Fixed unjustified increase		−60,000
100	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	193,933	193,933
101	LPD-17 CLASS SYSTEMS INTEGRATION	1,373	1,373
102	SMALL DIAMETER BOMB (SDB)	44,091	24,091
	Program delay		−20,000
103	STANDARD MISSILE IMPROVEMENTS	96,186	96,186
104	AIRBORNE MCM	45,885	45,885
105	NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG	21,517	21,517
106	ADVANCED ABOVE WATER SENSORS	274,371	274,371
107	SSN-688 AND TRIDENT MODERNIZATION	118,897	112,197
	Navy requested transfer to line 49 for Automatic Test and Re-Test		−2,000
	Communications at Speed and Depth		−4,700
108	AIR CONTROL	5,665	5,665
109	SHIPBOARD AVIATION SYSTEMS	70,117	70,117
110	COMBAT INFORMATION CENTER CONVERSION	5,044	5,044
111	NEW DESIGN SSN	155,489	171,489
	Program Increase - Small Business Technology Insertion		+16,000
112	SUBMARINE TACTICAL WARFARE SYSTEM	50,537	50,537
113	SHIP CONTRACT DESIGN/LIVE FIRE T&E	153,686	166,686
	Full Ship Shock Trial Alternative transfer from line 136		+13,000
114	NAVY TACTICAL COMPUTER RESOURCES	4,443	4,443
115	MINE DEVELOPMENT	5,455	5,455
116	LIGHTWEIGHT TORPEDO DEVELOPMENT	25,282	25,282
117	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,489	10,489

R–1		Budget Request	Recommendation
118	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	10,759	10,759
119	JOINT STANDOFF WEAPON SYSTEMS	12,567	12,567
120	SHIP SELF DEFENSE (DETECT & CONTROL)	45,930	45,930
121	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	5,860	5,860
122	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	84,525	82,525
	Navy requested transfer to line 49 for Automatic Test and Re-Test		−2,000
123	INTELLIGENCE ENGINEERING	6,820	6,820
124	MEDICAL DEVELOPMENT	12,337	29,137
	Wound Care Research		+10,400
	Military Dental Research		+6,400
125	NAVIGATION/ID SYSTEM	66,636	66,636
126	JOINT STRIKE FIGHTER (JSF)—EMD	667,916	613,864
	Block IV capabilities funding ahead of need		−29,052
	Underexecution of test program		−25,000
127	JOINT STRIKE FIGHTER (JSF)	707,791	676,806
	Block IV capabilities funding ahead of need		−29,000
	Fuel forward funded in fiscal year 2010 supplemental		−1,985
128	INFORMATION TECHNOLOGY DEVELOPMENT	22,783	22,783
129	INFORMATION TECHNOLOGY DEVELOPMENT	28,280	28,280
130	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	27,444	15,444
	Reduction to pre-development activities		−12,000
131	CH-53K	577,435	577,435
133	JOINT AIR-TO-GROUND MISSILE (JAGM)	100,846	100,846
134	MULTI-MISSION MARITIME AIRCRAFT (MMA)	929,240	941,240
	Program Increase—Small Business Technology Insertion		+12,000
136	DDG-1000	549,241	534,241
	Navy requested transfer to line 49 for Automatic Test and Re-Test		−2,000
	Full Ship Shock Trial Alternative transfer to line 113		−13,000
137	TACTICAL COMMAND SYSTEM—MIP	1,318	1,318
138	SSN-688 AND TRIDENT MODERNIZATION—MIP	1,415	1,415
139	TACTICAL CRYPTOLOGIC SYSTEMS	17,019	12,387
	Execution delays		−4,632
140	THREAT SIMULATOR DEVELOPMENT	18,755	18,755
141	TARGET SYSTEMS DEVELOPMENT	66,066	66,066
142	MAJOR T&E INVESTMENT	37,522	37,522
143	STUDIES AND ANALYSIS SUPPORT—NAVY	8,149	8,149
144	CENTER FOR NAVAL ANALYSES	49,165	49,165
146	TECHNICAL INFORMATION SERVICES	662	662
147	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	58,329	58,329
148	STRATEGIC TECHNICAL SUPPORT	3,451	3,451
149	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	72,094	72,094
150	RDT&E SHIP AND AIRCRAFT SUPPORT	95,332	93,871
	Fuel forward funded in fiscal year 2010 supplemental		−1,461
151	TEST AND EVALUATION SUPPORT	376,418	376,418
152	OPERATIONAL TEST AND EVALUATION CAPABILITY	15,746	15,746
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,013	4,013
154	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	19,700	19,700
155	MARINE CORPS PROGRAM WIDE SUPPORT	17,721	17,721
156	TACTICAL CRYPTOLOGIC ACTIVITIES	1,859	1,859
157	SERVICE SUPPORT TO JFCOM, JNTC	4,260	4,260
161	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT	266,368	266,368
162	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	81,184	71,184
	Conventional Trident Modification		−10,000
163	SSBN SECURITY TECHNOLOGY PROGRAM	34,997	34,997
164	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,815	6,815
165	NAVY STRATEGIC COMMUNICATIONS	10,331	10,331
166	RAPID TECHNOLOGY TRANSITION (RTT)	35,120	35,120
167	F/A-18 SQUADRONS	148,438	148,438
168	E-2 SQUADRONS	19,011	19,011
169	FLEET TELECOMMUNICATIONS (TACTICAL)	26,894	26,894
170	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	10,587	10,587
171	INTEGRATED SURVEILLANCE SYSTEM	23,464	23,464
172	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,357	4,357
173	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	50,750	50,750
174	CRYPTOLOGIC DIRECT SUPPORT	1,519	1,519
175	ELECTRONIC WARFARE (EW) READINESS SUPPORT	39,398	39,398
176	HARM IMPROVEMENT	14,207	12,207
	Systems engineering growth		−2,000
177	TACTICAL DATA LINKS	28,854	28,854
178	SURFACE ASW COMBAT SYSTEM INTEGRATION	32,877	36,877
	Program Increase—Small Business Technology Insertion		+4,000
179	MK-48 ADCAP	26,234	34,234
	Program Increase—Small Business Technology Insertion		+8,000
180	AVIATION IMPROVEMENTS	133,611	100,890
	F-135 engine ahead of need		−27,000
	Multi-purpose bomb rack program delay		−5,721
181	NAVY SCIENCE ASSISTANCE PROGRAM	3,535	3,535
182	OPERATIONAL NUCLEAR POWER SYSTEMS	74,229	74,229
183	MARINE CORPS COMMUNICATIONS SYSTEMS	245,298	232,898
	Joint Cooperative Target Identification—Ground		−12,400
184	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	100,424	76,424
	Marine personnel carrier program delay		−20,000
	LAV-AT contract delay		−4,000
185	MARINE CORPS COMBAT SERVICES SUPPORT	19,466	19,466
186	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	20,316	20,316
187	TACTICAL AIM MISSILES	912	912
188	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,633	2,633
189	JOINT HIGH SPEED VESSEL (JHSV)	3,586	3,586
194	SATELLITE COMMUNICATIONS (SPACE)	422,268	422,268
195	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES	63,563	44,563
	Increment 1 transition contract delay		−19,000
196	INFORMATION SYSTEMS SECURITY PROGRAM	25,934	25,934
199	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES—MIP	8,375	8,375
201	COBRA JUDY	36,527	36,527
202	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	63,878	63,878
203	JOINT MILITARY INTELLIGENCE PROGRAMS	4,435	4,435
204	TACTICAL UNMANNED AERIAL VEHICLES	35,212	18,912
	Marinized UAS		−16,300
206	AIRBORNE RECONNAISSANCE SYSTEMS		50,200
	Program increase		+5,200
	EP-3/SPA systems development		+45,000
207	MANNED RECONNAISSANCE SYSTEMS	19,263	19,263
208	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	8,377	8,377
209	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	16,665	16,665
210	RQ-4 UAV	529,250	529,250
211	MQ-8 UAV	10,665	10,665
212	RQ-11 UAV	512	512
213	RQ-7 UAV	934	934
214	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	26,209	26,209
215	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	18,098	12,710
	STUAS Lite termination		−5,388
218	MODELING AND SIMULATION SUPPORT	8,158	8,158
219	DEPOT MAINTENANCE (NON-IF)	18,649	18,649
220	AVIONICS COMPONENT IMPROVEMENT PROGRAM	3,250	3,250

R–1		Budget Request	Recommendation
221	INDUSTRIAL PREPAREDNESS	46,173	46,173
	CLASSIFIED PROGRAMS	1,284,901	1,499,901
	Classified adjustment		+215,000
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	17,693,496	17,736,303
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
1	DEFENSE RESEARCH SCIENCES	350,978	350,978
2	UNIVERSITY RESEARCH INITIATIVES	136,297	136,297
3	HIGH ENERGY LASER RESEARCH INITIATIVES	13,198	13,198
4	MATERIALS	137,273	137,273
5	AEROSPACE VEHICLE TECHNOLOGIES	144,699	144,699
6	HUMAN EFFECTIVENESS APPLIED RESEARCH	87,452	87,452
7	AEROSPACE PROPULSION	207,049	204,049
	Unjustified program growth		−3,000
8	AEROSPACE SENSORS	157,497	159,897
	Program Increase—Materials for Structures, Propulsion, and Subsystems		+2,400
9	SPACE TECHNOLOGY	111,857	111,857
10	CONVENTIONAL MUNITIONS	61,330	61,330
11	DIRECTED ENERGY TECHNOLOGY	103,596	114,896
	Re-alignment of funding for ground optical imaging research and technology		+11,300
13	DOMINANT INFORMATION SCIENCES AND METHODS	117,283	115,783
	Transfer to line 11		−1,500
14	HIGH ENERGY LASER RESEARCH	53,384	53,384
15	ADVANCED MATERIALS FOR WEAPON SYSTEMS	33,414	40,414
	Transfer to line 11		−1,000
	Metals Affordability Initiative		+8,000
16	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,935	2,935
17	ADVANCED AEROSPACE SENSORS	44,677	44,677
18	AEROSPACE TECHNOLOGY DEV/DEMO	53,588	52,588
	Transfer to line 11		−1,000
19	AEROSPACE PROPULSION AND POWER TECHNOLOGY	136,135	134,135
	Transfer to line 11		−2,000
21	ELECTRONIC COMBAT TECHNOLOGY	16,992	16,992
22	ADVANCED SPACECRAFT TECHNOLOGY	83,705	80,115
	Transfer to line 11		−3,590
23	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,899	13,399
	Program Increase		+7,500
24	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,814	24,814
25	CONVENTIONAL WEAPONS TECHNOLOGY	15,755	15,755
26	ADVANCED WEAPONS TECHNOLOGY	17,461	17,461
27	MANUFACTURING TECHNOLOGY PROGRAM	39,701	47,701
	Program Increase—Best Industrial Process for Department of Defense Depots		+8,000
28	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION	32,382	32,382
30	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,847	1,847
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
31	INTELLIGENCE ADVANCED DEVELOPMENT	5,019	5,019
32	PHYSICAL SECURITY EQUIPMENT	3,576	1,000
	Unjustified program request		−2,576
33	GPS III—OPERATIONAL CONTROL SEGMENT	0	356,867
	Operational Control Segment (OCX)—Transfer from line 212		+356,867
34	ADVANCED EHF MILSATCOM (SPACE)	351,817	394,817
	Program Increase—Capabilities Insertion Program		+43,000
35	POLAR MILSATCOM (SPACE)	164,232	164,232
36	SPACE CONTROL TECHNOLOGY	45,012	45,012
37	COMBAT IDENTIFICATION TECHNOLOGY	26,172	36,172
	Program Increase—Automatic Dependent Surveillance—Broadcast		+10,000
38	NATO RESEARCH AND DEVELOPMENT	4,372	4,372
39	INTERNATIONAL SPACE COOPERATIVE R&D	635	635
40	SPACE PROTECTION PROGRAM (SPP)	8,349	8,349
42	INTEGRATED BROADCAST SERVICE	20,580	20,580
43	INTERCONTINENTAL BALLISTIC MISSILE	66,745	66,745
44	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	36,123	79,123
	Program Increase—Capabilities Insertion Program		+43,000
45	POLLUTION PREVENTION (DEM/VAL)	2,534	2,534
46	JOINT PRECISION APPROACH AND LANDING SYSTEMS	13,952	13,952
47	NEXT GENERATION BOMBER	198,957	198,957
48	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	0	12,000
	Program Increase—GMTI Radar Development		+12,000
49	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM	22,389	22,389
50	JOINT DUAL ROLE AIR DOMINANCE MISSILE	9,799	9,799
51	REQUIREMENTS ANALYSIS AND MATURATION	34,339	34,339
52	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	20,000
	Program Increase—Acquisition Planning and Studies		+20,000
53	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	32,513	22,513
	Program delay		−10,000
54	ALTERNATIVE FUELS	24,064	24,064
55	AUTOMATED AIR-TO-AIR REFUELING	85	85
56	OPERATIONALLY RESPONSIVE SPACE	93,978	125,978
	Program Increase - Responsive Launch Capabilities		+32,000
57	TECH TRANSITION PROGRAM	12,260	12,260
58	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT	325,505	100,000
	Program Reduction		−225,505
58A	DEFENSE WEATHER SATELLITE SYSTEM (DWSS)		75,000
	DWSS-only for defense sensor development		+75,000
59	GLOBAL BROADCAST SERVICE (GBS)	18,171	18,171
60	NUCLEAR WEAPONS SUPPORT	60,545	60,545
62	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,066	8,066
64	ELECTRONIC WARFARE DEVELOPMENT	89,966	89,966
65	JOINT TACTICAL RADIO	631	631
66	TACTICAL DATA NETWORKS ENTERPRISE	102,941	102,941
67	PHYSICAL SECURITY EQUIPMENT	50	50
68	SMALL DIAMETER BOMB (SDB)	153,505	100,505
	SDB II-Contract Award Delay		−53,000
69	COUNTERSPACE SYSTEMS	40,276	40,276
70	SPACE SITUATION AWARENESS SYSTEMS	426,525	350,425
	SBSS Follow On		−45,100
	Space Fence		−35,000
	Integration of Missile Defense Agency radar systems into Space Surveillance Network		+4,000
71	AIRBORNE ELECTRONIC ATTACK	25,937	25,937
72	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	530,047	530,047
74	ARMAMENT/ORDNANCE DEVELOPMENT	6,693	6,693
75	SUBMUNITIONS	1,622	1,622
76	AGILE COMBAT SUPPORT	37,987	37,987
77	LIFE SUPPORT SYSTEMS	10,650	10,650
78	COMBAT TRAINING RANGES	36,905	36,905
79	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
80	INTELLIGENCE EQUIPMENT	1,364	1,364
81	JOINT STRIKE FIGHTER (JSF)	883,773	1,051,210
	Air Force requested transfer from line 135		+159,837
	Air Force requested transfer for Auto GCAS from AP,AF line 43		+7,600
82	INTERCONTINENTAL BALLISTIC MISSILE	71,843	71,843
83	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	30,245	55,245

R–1		Budget Request	Recommendation
	Program Increase - EELV Common Upper Stage		+25,000
85	NEXT GENERATION AERIAL REFUELING AIRCRAFT	863,875	0
	Transfer to Tanker Transfer Fund		−863,875
86	CSAR HH-60 RECAPITALIZATION	12,584	0
	Program Termination		−12,584
86A	HH-60 RDT&E	0	1,934
	Terrain and Traffic Avoidance Systems-Transfer from line 86		+1,934
88	HC/MC-130 RECAP RDT&E	15,536	15,536
91	SINGLE INTEGRATED AIR PICTURE (SIAP)	1,832	0
	Program termination		−1,832
92	FULL COMBAT MISSION TRAINING	57,393	57,393
94	JOINT CARGO AIRCRAFT (JCA)	26,407	26,407
95	CV-22	18,270	18,270
96	AIRBORNE SENIOR LEADER C3 (SLC3S)	15,826	7,826
	Contract award delay for SLC3S-A Communications Program (SCP)		−8,000
97	THREAT SIMULATOR DEVELOPMENT	21,245	21,245
98	MAJOR T&E INVESTMENT	61,587	61,587
99	RAND PROJECT AIR FORCE	26,752	26,752
101	INITIAL OPERATIONAL TEST & EVALUATION	20,665	20,665
102	TEST AND EVALUATION SUPPORT	759,868	759,868
103	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	23,551	23,551
104	SPACE TEST PROGRAM (STP)	47,623	47,623
105	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	46,327	46,327
106	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	27,579	27,579
107	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	18,901	18,901
108	ACQUISITION AND MANAGEMENT SUPPORT	24,968	24,968
109	GENERAL SKILL TRAINING	1,544	1,544
111	INTERNATIONAL ACTIVITIES	3,764	3,764
113	COMMON VERTICAL LIFT SUPPORT PLATFORM	0	4,000
	Air Force requested transfer from AP,AF line 18		+4,000
114	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	43,300	23,300
	Funding ahead of need		−20,000
115	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	42,255	42,255
117	B-52 SQUADRONS	146,096	140,896
	EHF Request - early to need		−24,700
	Program Increase to continue advanced targeting pod integration		+6,500
	Air Force requested transfer from AP,AF line 38 for Internal Weapons Bay		+13,000
118	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,631	3,631
119	B-1B SQUADRONS	33,234	33,234
120	B-2 SQUADRONS	260,466	276,466
	Program Increase-Mixed Loads and Other Capabilities		+16,000
121	STRAT WAR PLANNING SYSTEM - USSTRATCOM	28,441	28,441
122	NIGHT FIST-USSTRATCOM	5,359	5,359
125	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	23,732	23,732
126	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	15	15
127	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	10,580	10,580
128	MQ-9 UAV	125,427	125,427
129	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	15,574	15,574
130	A-10 SQUADRONS	5,661	5,661
131	F-16 SQUADRONS	129,103	129,103
132	F-15E SQUADRONS	222,677	207,677
	Contract award delays		−15,000
133	MANNED DESTRUCTIVE SUPPRESSION	12,937	12,937
134	F-22 SQUADRONS	576,330	511,330
	Modernization program		−100,000
	MADL-Transfer from line 155		+35,000
135	F-35 SQUADRONS	217,561	0
	Block 4 Development		−57,724
	Air Force requested transfer to line 81		−159,837
136	TACTICAL AIM MISSILES	6,040	6,040
137	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,922	62,922
138	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,407	2,407
139	COMBAT RESCUE AND RECOVERY	944	944
140	COMBAT RESCUE-PARARESCUE	2,921	2,921
141	AF TENCAP	11,648	11,648
142	PRECISION ATTACK SYSTEMS PROCUREMENT	3,017	3,017
143	COMPASS CALL	20,652	20,652
144	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	147,396	120,626
	F-135 Component Improvement Program-premature request		−26,770
146	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	20,000	20,000
147	AIR AND SPACE OPERATIONS CENTER (AOC)	93,102	93,102
148	CONTROL AND REPORTING CENTER (CRC)	58,313	58,313
149	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	239,755	229,755
	Contract award and schedule delays for Block 40/45 EMD and DRAGON		−10,000
151	ADVANCED COMMUNICATIONS SYSTEMS	67,532	67,532
153	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	3,310	3,310
154	THEATER BATTLE MANAGEMENT (TBM) C4I	15,170	15,170
155	FIGHTER TACTICAL DATA LINK	85,492	23,992
	MADL-Transfer to line 134		−61,500
157	C2ISR TACTICAL DATA LINK	1,584	1,584
158	COMMAND AND CONTROL (C2) CONSTELLATION	24,229	24,229
159	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	168,917	168,917
160	SEEK EAGLE	19,263	19,263
161	USAF MODELING AND SIMULATION	21,638	21,638
162	WARGAMING AND SIMULATION CENTERS	6,020	6,020
163	DISTRIBUTED TRAINING AND EXERCISES	2,863	2,863
164	MISSION PLANNING SYSTEMS	79,112	79,112
165	INFORMATION WARFARE SUPPORT	2,294	2,294
166	CYBER COMMAND ACTIVITIES	1,117	1,117
173	SPACE SUPERIORITY INTELLIGENCE	10,006	10,006
174	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	12,532	12,532
175	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	78,784	68,984
	MMPU Production-Air Force requested transfer to MP,AF line 9		−9,800
176	INFORMATION SYSTEMS SECURITY PROGRAM	140,017	140,017
177	GLOBAL COMBAT SUPPORT SYSTEM	3,393	3,393
178	GLOBAL COMMAND AND CONTROL SYSTEM	3,055	5,212
	Air Force requested transfer from line 179		+2,157
179	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,157	0
	Air Force requested transfer to line 178		−2,157
180	MILSATCOM TERMINALS	186,582	306,282
	FAB-T-Air Force requested transfer from AP,AF line 75		+119,700
182	AIRBORNE SIGINT ENTERPRISE	149,268	144,268
	Program execution		−5,000
185	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	5,708	5,708
186	CYBER SECURITY INITIATIVE	2,030	2,030
187	DOD CYBER CRIME CENTER	279	279
188	SATELLITE CONTROL NETWORK (SPACE)	21,667	21,667
189	WEATHER SERVICE	32,373	32,373
190	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)	33,268	33,268
191	AERIAL TARGETS	63,573	58,573
	Program execution		−5,000
194	SECURITY AND INVESTIGATIVE ACTIVITIES	469	469
196	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	40	40
198	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	165,936	165,936

R–1		Budget Request	Recommendation
199	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	34,471	34,471
201	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,572	4,572
202	SPACE WARFARE CENTER	2,929	2,929
203	SPACELIFT RANGE SYSTEM (SPACE)	9,933	9,933
204	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	1,254	1,254
206	AIRBORNE RECONNAISSANCE SYSTEMS	168,963	90,263
	Wide Area Airborne Surveillance Program of Record - ahead of need		−78,700
207	MANNED RECONNAISSANCE SYSTEMS	15,337	15,337
208	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	93,398	85,898
	Program Reduction		−7,500
209	PREDATOR UAV (JMIP)	28,913	23,913
	Program execution		−5,000
210	RQ-4 UAV	251,318	220,318
	Execution adjustment		−31,000
211	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	7,267	7,267
212	GPS III SPACE SEGMENT	828,171	446,304
	Operational Control Segment (OCX)-Transfer to line 33		−381,867
213	JSPOC MISSION SYSTEM	132,706	109,506
	JSPOC Mission System		−28,000
	Karnac		+4,800
214	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,512	5,512
215	NUDET DETECTION SYSTEM (SPACE)	72,199	72,199
216	NATIONAL SECURITY SPACE OFFICE	10,630	0
	Program termination-Funding transferred to Executive Agent for Space, OM,AF		−10,630
217	SPACE SITUATION AWARENESS OPERATIONS	43,838	43,838
218	INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP	21,912	21,912
219	SHARED EARLY WARNING (SEW)	2,952	2,952
220	C-130 AIRLIFT SQUADRON	113,107	43,472
	Air Force requested transfer to AP,AF line 61		−69,635
221	C-5 AIRLIFT SQUADRONS	58,990	58,990
222	C-17 AIRCRAFT	177,212	162,212
	Contract award delays		−15,000
223	C-130J PROGRAM	26,770	26,770
224	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	17,227	17,227
225	KC-135S	20,453	20,453
226	KC-10S	56,669	41,669
	Milestone B slip		−15,000
227	OPERATIONAL SUPPORT AIRLIFT	4,988	4,988
228	C-STOL AIRCRAFT	1,283	1,283
230	SPECIAL TACTICS/COMBAT CONTROL	7,345	7,345
231	DEPOT MAINTENANCE (NON-IF)	1,514	1,514
234	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	227,614	227,614
235	SUPPORT SYSTEMS DEVELOPMENT	6,141	38,141
	Alternative energy research and integration		+32,000
235A	AIR FORCE RECRUITING INFORMATION SUPPORT SYSTEM	0	5,100
	Air Force Recruiting Information Support System—Air Force requested transfer from OM, AF		+5,100
236	OTHER FLIGHT TRAINING	667	667
237	JOINT NATIONAL TRAINING CENTER	9	9
239	OTHER PERSONNEL ACTIVITIES	116	116
240	JOINT PERSONNEL RECOVERY AGENCY	6,107	6,107
242	CIVILIAN COMPENSATION PROGRAM	7,811	7,811
243	PERSONNEL ADMINISTRATION	11,179	11,179
244	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	49,816	49,816
	CLASSIFIED PROGRAMS	12,406,781	12,915,571
	Classified Adjustment		+508,790
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	27,247,302	26,517,405
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH	47,412	47,412
2	DEFENSE RESEARCH SCIENCES	328,195	295,695
	Excessive growth		−32,500
5	NATIONAL DEFENSE EDUCATION PROGRAM	109,911	94,311
	Unexecutable growth		−15,600
6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	49,508	49,508
7	INSENSITIVE MUNITIONS—EXPLORATORY DEVELOPMENT	22,448	20,448
	Excessive growth		−2,000
8	HISTORICALLY BLACK COLLEGES & UNIV (HBCU) SCIENCE	15,067	23,067
	Program Increase		+8,000
9	LINCOLN LABORATORY RESEARCH PROGRAM	32,830	32,830
10	INFORMATION AND COMMUNICATIONS TECHNOLOGY	281,262	253,262
	DISCOVER contract award delays		−10,000
	Extreme Computing contract award delays		−18,000
11	COGNITIVE COMPUTING SYSTEMS	90,143	90,143
12	MACHINE INTELLIGENCE	44,682	44,682
13	BIOLOGICAL WARFARE DEFENSE	32,692	32,692
14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	169,287	174,287
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		+5,000
15	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	3,261	0
	Duplicate effort		−3,261
16	CYBER SECURITY RESEARCH	10,000	5,000
	Lack of authorization		−5,000
17	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP	9,499	7,999
	Excessive growth		−1,500
18	TACTICAL TECHNOLOGY	224,378	224,378
19	MATERIALS AND BIOLOGICAL TECHNOLOGY	312,586	307,586
	Unsustained growth		−5,000
20	ELECTRONICS TECHNOLOGY	286,936	266,936
	Excessive growth		−20,000
21	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	212,742	212,742
22	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,545	36,745
	Program Increase—Unfunded Requirement		+15,200
	Unexecutable growth		−5,000
24	JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD	20,556	15,556
	Unjustified growth		−5,000
25	SO/LIC ADVANCED DEVELOPMENT	44,423	44,423
26	COMBATING TERRORISM TECHNOLOGY SUPPORT	85,299	85,299
27	COUNTERPROLIFERATION INITIATIVES—PROLIF PREV & DEFEAT	295,163	295,163
28	BALLISTIC MISSILE DEFENSE TECHNOLOGY	132,220	92,220
	SM–3 Block IIB Development transfer to line 84, AEGIS BMD		−40,000
29	JOINT ADVANCED CONCEPTS	6,808	6,808
30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	22,700	22,700
31	AGILE TRANSPO FOR THE 21ST CENTURY (AT21)—THEATER CA	750	750
32	ADVANCED AEROSPACE SYSTEMS	303,078	241,378
	ArcLight		−5,000
	ISIS lack of transition partner		−21,700
	MoTr program delays		−15,000
	Vulture program descope and delays		−20,000
33	SPACE PROGRAMS AND TECHNOLOGY	98,130	98,130
34	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	177,113	222,713
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		+45,600
35	JOINT ELECTRONIC ADVANCED TECHNOLOGY	8,386	8,386
36	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	206,917	191,917
	Unjustified growth		−15,000

R–1		Budget Request	Recommendation
37	NETWORKED COMMUNICATIONS CAPABILITIES	30,035	25,035
	Unjustified growth		−5,000
38	JOINT DATA MANAGEMENT RESEARCH	6,289	4,289
	Excessive growth		−2,000
39	BIOMETRICS SCIENCE AND TECHNOLOGY	11,416	11,416
40	CYBER SECURITY ADVANCED RESEARCH	10,000	5,000
	Lack of authorization		−5,000
41	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADV	11,510	10,510
	Excessive growth		−1,000
42	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROG	18,916	42,916
	Industrial Base Innovation Fund		+24,000
43	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,943	9,943
44	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	20,542	20,542
45	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,109	29,109
46	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	68,021	64,021
	Unexecutable growth		−4,000
47	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT	26,878	26,878
48	JOINT WARFIGHTING PROGRAM	10,966	10,966
49	ADVANCED ELECTRONICS TECHNOLOGIES	197,098	197,098
52	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	200,986	240,986
	Program adjustment		+40,000
53	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	219,809	219,809
54	CLASSIFIED DARPA PROGRAMS	167,008	150,308
	Poor justification materials		−16,700
55	NETWORK-CENTRIC WARFARE TECHNOLOGY	234,985	227,985
	Unsustained growth		−7,000
56	SENSOR TECHNOLOGY	205,032	205,032
58	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,986	13,986
59	SOFTWARE ENGINEERING INSTITUTE	30,910	30,910
61	QUICK REACTION SPECIAL PROJECTS	78,244	58,244
	Excessive growth		−13,000
	P826—Excess to Quick Reaction Fund requirements		−7,000
62	JOINT EXPERIMENTATION	111,946	91,946
	Excessive growth		−20,000
63	MODELING AND SIMULATION MANAGEMENT OFFICE	38,140	33,140
	Unexecutable growth		−5,000
64	DIRECTED ENERGY RESEARCH	98,688	123,688
	Program Increase		+25,000
65	TEST & EVALUATION SCIENCE & TECHNOLOGY	97,642	97,642
66	TECHNOLOGY TRANSFER	23,310	17,310
	Unjustified growth		−6,000
67	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	30,806	38,806
	SOF ACTD Programs		+8,000
68	AVIATION ENGINEERING ANALYSIS	4,234	4,234
69	SOF INFORMATION & BROADCAST SYSTEMS ADVANCED TECHNOLOG	4,942	4,942
69X	INNOVATIVE RESEARCH	0	124,200
	Program adjustment		+124,200
70	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	32,132	32,132
71	RETRACT LARCH	21,592	21,592
72	JOINT ROBOTICS PROGRAM	9,878	9,878
73	ADVANCE SENSOR APPLICATIONS PROGRAM	18,060	18,060
74	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	30,419	30,419
75	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	436,482	431,482
	Funding no longer required for transition to Reagan Test Site		−5,000
76	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,346,181	1,311,181
	Excess Award Fee and Test and Integration Delays		−35,000
78	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	277,062	271,062
	Improved Nerve Agent Treatment System—slow obligation rate in fiscal year 2010		−5,000
	Lightweight Chemical/Biological Ensemble execution delays		−1,000
79	BALLISTIC MISSILE DEFENSE SENSORS	454,859	392,159
	Transfer to line 88 for Concurrent Test, Training and Operations		−35,900
	Transfer to line 88 for TPY-2 C2BMC Fielding		−13,000
	Transfer to line 88 for BMDS Radars Communications Sustainment (TPY–2)		−13,800
81	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,113,425	1,008,525
	Transfer to lines 82 and 88		−94,900
	Funding no longer required for move to Reagan Test Site		−5,000
	Program Growth in Program Operations Systems Engineering and Systems Management		−5,000
82	BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS	402,769	406,269
	Transfer from line 81		+43,500
	Excessive contractor support, advisory services and program growth		−40,000
83	SPECIAL PROGRAMS—MDA	270,189	245,189
	Transfer to higher priority near-term MDA procurement programs		−25,000
84	AEGIS BMD	1,467,278	1,569,278
	Program growth		−12,000
	Navy requested transfer from OP,N line 109		+72,500
	Aegis BMD Ships—Navy requested transfer from OM,N line 1B5B		+1,500
	SM–3 Block IIB Development—transfer from line 28		+40,000
85	SPACE SURVEILLANCE & TRACKING SYSTEM	112,678	112,678
87	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	10,942	10,942
88	BALLISTIC MISSILE DEFENSE C2BMC	342,625	456,725
	Transfer from line 81 for Concurrent Test, Training and Operations		+51,400
	Transfer from line 79 for Concurrent Test, Training and Operations		+35,900
	Transfer from line 79 for TPY–2 C2BMC Fielding		+13,000
	Transfer from line 79 for BMDS Radar Communications Sustainement (TPY–2)		+13,800
90	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	68,726	58,726
	Duplication of effort with MDA core programs		−10,000
91	CENTER (MDIOC)	86,198	86,198
92	REGARDING TRENCH	7,529	7,529
93	SEA BASED X-BAND RADAR (SBX)	153,056	153,056
98	ISRAELI COOPERATIVE PROGRAMS	121,735	209,935
	David's Sling Weapons Program		+38,000
	Arrow System Improvement Program (ASIP)		+42,000
	Arrow 3 Upper Tier Interceptor Program		+8,200
99	HUMANITARIAN DEMINING	14,735	14,735
100	COALITION WARFARE	13,786	13,786
101	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,802	39,502
	Department of Defense Corrosion Prevention and Control Program		+34,700
102	DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	49,292	49,292
104	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES	7,459	7,459
105	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,413	19,413
106	JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM	16,637	16,637
107	LAND-BASED SM-3 (LBSM3)	281,378	281,378
108	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	318,800	318,800
109	PRECISION TRACKING SPACE SYSTEM RDT&E	66,969	36,969
	Transfer to higher priority near-term MDA procurement programs		−30,000
110	AIRBORNE INFRARED (ABIR)	111,671	76,671
	Transfer to higher priority near-term MDA procurement programs		−35,000
111	REDUCTION OF TOTAL OWNERSHIP COST	20,310	20,310
112	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	4,027	4,027
113	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	24,344	24,344
114	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	7,973	7,973
115	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	239,861	239,861
116	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	407,162	300,562
	Plague Vaccine - slow obligation rate in fiscal year 2010		−5,000

R–1		Budget Request	Recommendation
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		−65,600
	Bioscavenger Increment II schedule delays		−12,000
	Decontamination Family of Systems schedule delays		−9,000
	Next Generation Chemical Standoff Detection schedule delays		−9,000
	SSI NBCRS growth without acquisition strategy		−6,000
117	JOINT ROBOTICS PROGRAM	4,155	4,155
118	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,364	23,695
	Technology Initiatives Investment Fund		−25,669
119	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,954	20,954
120	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	7,307	7,307
121	INFORMATION TECHNOLOGY DEVELOPMENT	11,937	11,937
122	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	11,800	11,800
123	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	184,131	181,166
	VIPS Increment II contract award in fiscal year 2012		−2,965
124	HOMELAND PERSONNEL SECURITY INITIATIVE	391	391
125	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000	5,000
126	TRUSTED FOUNDRY	35,512	35,512
128	GLOBAL COMBAT SUPPORT SYSTEM	17,842	17,842
130	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE	1,590	1,590
132	DEFENSE READINESS REPORTING SYSTEM (DRRS)	5,113	5,113
133	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,052	8,052
134	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT	162,286	162,286
135	ASSESSMENTS AND EVALUATIONS	2,500	2,500
136	THERMAL VICAR	8,851	8,851
137	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,287	10,287
138	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	49,282	49,282
139	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	4,743	4,743
140	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	95,520	95,520
141	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	94,577	94,577
142	CLASSIFIED PROGRAM USD(P)	0	106,000
	Classified Program USD(P)		+106,000
143	FOREIGN COMPARATIVE TESTING	32,755	27,755
	Unjustified growth		−5,000
144	SYSTEMS ENGINEERING	29,824	37,024
	Sustainment of fiscal year 2010 level		+7,200
145	NUCLEAR MATTERS - PHYSICAL SECURITY	6,264	6,264
146	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	15,091	15,091
147	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,227	6,227
147X	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPACITY	0	12,000
	Program Increase - contract management services program		+12,000
148	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	120,995	120,995
155	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,189	2,189
156	DEFENSE TECHNOLOGY ANALYSIS	13,858	11,158
	P796 - Technical Grand Challenge Program		−2,700
157	FORCE TRANSFORMATION DIRECTORATE	19,701	19,701
158	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	61,054	58,554
	Excessive growth		−2,500
159	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	64,737	64,737
160	DEVELOPMENT TEST AND EVALUATION	18,688	25,888
	Sustainment of fiscal year 2010 level		+7,200
161	DARPA AGENCY RELOCATION	11,000	11,000
162	MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)	56,257	56,257
163	BUDGET AND PROGRAM ASSESSMENTS	6,099	6,099
164	AVIATION SAFETY TECHNOLOGIES	10,900	10,900
165	JOINT STAFF ANALYTICAL SUPPORT	23,081	8,081
	Growth without acquisition strategy		−15,000
168	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	31,500	31,500
169	INFORMATION TECHNOLOGY RAPID ACQUISITION	5,135	5,135
170	CYBER SECURITY INITIATIVE	10,000	10,000
171	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	21,272	21,272
173	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	845	845
174	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION	92,253	48,688
	P 754 - Initiatives funded by Services		−33,315
	P 764 - NPSUE funding without program		−10,250
175	PENTAGON RESERVATION	20,482	20,482
176	MANAGEMENT HEADQUARTERS - MDA	29,754	29,754
177	IT SOFTWARE DEV INITIATIVES	278	278
	CLASSIFIED PROGRAMS	61,577	61,577
178	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	5,522	1,000
	Unjustified program		−4,522
179	REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEACE	2,139	2,139
180	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM	290	290
181	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,634	6,634
183	JOINT INTEGRATION AND INTEROPERABILITY	44,139	44,139
185	CLASSIFIED PROGRAMS	2,288	2,288
186	C4I INTEROPERABILITY	74,023	74,023
188	JOINT/ALLIED COALITION INFORMATION SHARING	9,379	9,379
195	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	467	467
196	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,629	36,629
	Cyber Security Pilot Programs		+20,000
197	LONG HAUL COMMUNICATIONS (DCS)	9,130	9,130
198	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	9,529	9,529
199	PUBLIC KEY INFRASTRUCTURE (PKI)	8,881	8,881
200	KEY MANAGEMENT INFRASTRUCTURE (KMI)	45,941	45,941
201	INFORMATION SYSTEMS SECURITY PROGRAM	14,077	14,077
202	INFORMATION SYSTEMS SECURITY PROGRAM	388,827	388,827
205	C4I FOR THE WARRIOR	2,261	2,261
206	GLOBAL COMMAND AND CONTROL SYSTEM	26,247	25,047
	Fiscal year 2012 testing		−1,200
207	JOINT SPECTRUM CENTER	20,991	20,991
208	NET-CENTRIC ENTERPRISE SERVICES (NCES)	3,366	3,366
209	JOINT MILITARY DECEPTION INITIATIVE	1,161	1,161
210	TELEPORT PROGRAM	6,880	6,880
211	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,272	16,272
214	CYBER SECURITY INITIATIVE	501	501
216	CYBER SECURITY INITIATIVE	2,251	2,251
217	CYBER SECURITY INITIATIVE	10,486	10,486
221	POLICY R&D PROGRAMS	9,136	9,136
223	NET CENTRICITY	29,831	14,831
	Unjustified growth		−15,000
227	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,290	1,290
230	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,513	3,513
232	MQ-1 PREDATOR A UAV	98	98
234	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,988	2,988
235	INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT	1,416	1,416
245	INDUSTRIAL PREPAREDNESS	21,798	21,798
246	LOGISTICS SUPPORT ACTIVITIES	2,813	2,813
247	MANAGEMENT HEADQUARTERS (JCS)	2,807	2,807
249	NATO AGS	93,885	93,885
250	MQ-9 UAV	98	98
252	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	68,691	68,691
253	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	1,582	1,582
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	23,879	25,479
	Program Increase - Unfunded Requirement		+1,600

R–1		Budget Request	Recommendation
255	SOF OPERATIONAL ENHANCEMENTS	62,592	63,692
	Program Increase - Unfunded Requirement		+4,000
	Program termination		−2,900
256	SPECIAL OPERATIONS CV-22 DEVELOPMENT	14,406	14,406
257	JOINT MULTI-MISSION SUBMERSIBLE	14,924	0
	SOCOM requested transfer to line 269		−14,924
259	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	2,915	2,915
261	MC130J SOF TANKER RECAPITALIZATION	7,624	7,624
262	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,922	922
	Execution delays		−1,000
263	SOF TACTICAL RADIO SYSTEMS	2,347	2,347
264	SOF WEAPONS SYSTEMS	479	479
265	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	593	593
267	SOF TACTICAL VEHICLES	1,994	994
	Change in requirements		−1,000
268	SOF ROTARY WING AVIATION	14,473	33,715
	SOCOM requested transfer from P,DW line 57		+19,242
269	SOF UNDERWATER SYSTEMS	13,986	28,910
	SOCOM requested transfer from line 257		+14,924
270	SOF SURFACE CRAFT	2,933	18,933
	Program Increase - CCM Unfunded Requirement		+16,000
271	SOF PSYOP	4,193	4,193
272	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	5,135	5,135
273	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,167	9,167
	CLASSIFIED PROGRAMS	3,832,019	4,011,571
	Classified adjustment		+179,552
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	20,661,600	20,797,412
	OPERATIONAL TEST & EVALUATION, DEFENSE		
1	OPERATIONAL TEST AND EVALUATION	59,430	59,430
2	LIVE FIRE TEST AND EVALUATION	12,899	12,899
3	OPERATIONAL TEST ACTIVITIES AND ANALYSES	122,581	122,581
.....	TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE	194,910	194,910
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	76,130,700	74,957,028

P–1		Budget Request	Recommendation
	NATIONAL DEFENSE SEALIFT FUND		
.....	STRATEGIC SHIP ACQUISITION	411,202	911,202
.....	Program Increase—Accelerate Mobile Landing Platform		
.....	Additional Mobile Landing Platform		500,000
.....	DoD MOBILIZATION ASSETS	158,647	158,647
.....	STRATEGIC SEALIFT SUPPORT	4,875	4,875
.....	SEALIFT RESEARCH AND DEVELOPMENT	28,012	28,012
.....	READY RESERVE FORCE OPERATIONS AND MAINTENANCE	332,130	332,130
.....	MARITIME ADMINISTRATION SHIP FINANCING GUARANTEE PROGRAM		40,000
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	934,866	1,474,866
	DEFENSE HEALTH PROGRAM		
.....	OPERATION AND MAINTENANCE	29,915,277	29,671,764
.....	IN-HOUSE CARE	7,781,877	7,791,077
.....	Army Substance Abuse Program-Transfer to OM,A line 131	2,800	−2,800
.....	Pain Management Task Force		+12,000
.....	PRIVATE SECTOR CARE	16,034,745	15,673,745
.....	TRICARE Underexecution		−236,000
.....	Global Deployment of the Force medical research funding-DOD requested transfer to maintain full funding for the program		−125,000
.....	CONSOLIDATED HEALTH CARE	2,122,483	2,085,770
.....	Army Substance Abuse Program-Transfer to OM,A line 131	27,825	−27,825
.....	Psychological Health-State Directors for the National Guard-Transfer to OM,ARNG line 133		−8,888
.....	INFORMATION MANAGEMENT/IT	1,452,330	1,452,330
.....	MANAGEMENT HEADQUARTERS	293,698	288,698
.....	MHS Strategic Communications efficiencies		−5,000
.....	EDUCATION AND TRAINING	632,534	632,534
.....	BASE OPERATIONS AND COMMUNICATIONS	1,597,610	1,747,610
.....	Medical Facilities Sustainment, Restoration and Modernization		+150,000
.....	PROCUREMENT	519,921	534,921
.....	Procurement of Medical Equipment and IO&T—Navy		+15,000
.....	RESEARCH AND DEVELOPMENT	499,913	1,175,513
.....	ALS		+8,000
.....	Armed Forces Institute of Regenerative Medicine		+4,800
.....	Autism Research		+6,400
.....	Bone Marrow Failure Disease Research Program		+4,000
.....	Duchenne Muscular Dystrophy		+4,000
.....	Global HIV/AIDS Prevention		+10,000
.....	Traumatic Brain Injury and Psychological Health		+100,000
.....	Global Deployment of the Force medical research funding—Department of Defense requested transfer to maintain full funding for the program		+125,000
.....	Gulf War Illness Peer-Reviewed Research Program		+8,000
.....	Multiple Sclerosis		+4,800
.....	Peer-Reviewed Alzheimer Research		+15,000
.....	Peer-Reviewed Breast Cancer Research Program		+150,000
.....	Peer-Reviewed Cancer Research Program		+16,000
.....	Peer-Reviewed Lung Cancer Research Program		+12,800
.....	Peer-Reviewed Orthopedic Research Program		+24,000
.....	Peer-Reviewed Ovarian Cancer Research Program		+20,000
.....	Peer Reviewed Vision research in conjunction with the DoD Vision Center of Excellence		+4,000
.....	Peer-Reviewed Prostate Cancer Research Program		+80,000
.....	Peer-Reviewed Spinal Cord Research Program		+12,000
.....	Research in Alcohol and Substance Use Disorders		+5,200
.....	SBIR to the core funded RDT&E		+1,200
.....	Tuberous Sclerosis Complex (TSC)		+6,400
.....	Pain Management Task Force Research		+4,000
.....	Peer Reviewed Medical Research Program		+50,000
.....	TOTAL, DEFENSE HEALTH PROGRAM	30,935,111	31,382,198
	CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE		
.....	OPERATION AND MAINTENANCE	1,067,364	1,067,364
.....	PROCUREMENT	7,132	7,132
.....	RESEARCH, DEVELOPMENT, TEST AND EVALUATION	392,811	392,811
.....	TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE	1,467,307	1,467,307
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
PC1293	Supplies and Materials (non-fund)—NSA		−1,000
PC1329	Other Intra-Governmental Purchases—Navy		−2,500
PC6501	Other Intra-Governmental Purchases—OSD		−2,000

P–1		Budget Request	Recommendation
PC9206	Other Intra-Governmental Purchases—OSD		−4,000
PC9205	EUCOM Counternarcotics Operations Support excessive growth		−3,000
PC1293	International crime and narcotics analytic tools excessive growth		−1,000
PC2360	EUCOM Tactical Analysis Team Support unauthorized new Start		−1,500
	FFRDC cost growth and CN indicated no need		−11,394
	National Guard Counter-Drug Program-State Plans		+50,000
	Young Marines-Drug Demand Reduction		+2,000
	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,131,351	1,156,957
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
4	STAFF AND INFRASTRUCTURE	215,868	0
	Transfer to Title IX		−215,868
	TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	215,868	0
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE	282,354	305,794
	Program Increase		+23,440
	PROCUREMENT	1,000	1,000
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	283,354	306,794
	TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS	34,032,991	34,313,256

M–1		Budget Request	Recommendation
	MILITARY PERSONNEL, ARMY		
	BA–1: PAY AND ALLOWANCES OF OFFICERS		
	BASIC PAY	1,237,779	1,237,779
	RETIRED PAY ACCRUAL	313,278	313,278
	BASIC ALLOWANCE FOR HOUSING	349,839	349,839
	BASIC ALLOWANCE FOR SUBSISTENCE	44,752	44,752
	INCENTIVE PAYS	2,835	2,835
	SPECIAL PAYS	159,261	159,261
	ALLOWANCES	56,632	56,632
	SEPARATION PAY	1,303	1,303
	SOCIAL SECURITY TAX	94,650	94,650
	TOTAL, BA–1	2,260,329	2,260,329
	BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
	BASIC PAY	2,708,271	2,708,271
	RETIRED PAY ACCRUAL	693,325	693,325
	BASIC ALLOWANCE FOR HOUSING	1,113,877	1,113,877
	INCENTIVE PAYS	6,714	6,714
	SPECIAL PAYS	574,120	574,120
	ALLOWANCES	241,921	241,921
	SEPARATION PAY	26,276	26,276
	SOCIAL SECURITY TAX	207,174	207,174
	TOTAL, BA–2	5,571,678	5,571,678
	BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
	BASIC ALLOWANCE FOR SUBSISTENCE	329,046	329,046
	SUBSISTENCE-IN-KIND	1,871,805	1,871,805
	TOTAL, BA–4	2,200,851	2,200,851
	BA–5: PERMANENT CHANGE OF STATION TRAVEL		
	ACCESSION TRAVEL	45,512	45,512
	OPERATIONAL TRAVEL	107,025	107,025
	ROTATIONAL TRAVEL	45,514	45,514
	TOTAL, BA–5	198,051	198,051
	BA–6: OTHER MILITARY PERSONNEL COSTS		
	INTEREST ON UNIFORMED SERVICES SAVINGS	16,102	16,102
	DEATH GRATUITIES	66,220	66,220
	UNEMPLOYMENT BENEFITS	192,223	192,223
	RESERVE INCOME REPLACEMENT PROGRAM	1,895	1,895
	SGLI EXTRA HAZARD PAYMENTS	171,060	171,060
	TOTAL, BA–6	447,500	447,500
	UNDISTRIBUTED ADJUSTMENT		789,624
	Undistributed Transfer from Title I		+789,624
	TOTAL, MILITARY PERSONNEL, ARMY	10,678,409	11,468,033
	MILITARY PERSONNEL, NAVY		
	BA–1: PAY AND ALLOWANCES OF OFFICERS		
	BASIC PAY	213,340	213,340
	RETIRED PAY ACCRUAL	59,067	59,067
	BASIC ALLOWANCE FOR HOUSING	67,023	67,023
	BASIC ALLOWANCE FOR SUBSISTENCE	7,315	7,315
	INCENTIVE PAYS	1,543	1,543
	SPECIAL PAYS	16,667	16,667
	ALLOWANCES	16,754	16,754
	SEPARATION PAY	14	14
	SOCIAL SECURITY TAX	16,320	16,320
	TOTAL, BA–1	398,043	398,043
	BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
	BASIC PAY	262,656	262,656
	RETIRED PAY ACCRUAL	74,338	74,338
	BASIC ALLOWANCE FOR HOUSING	121,913	121,913
	INCENTIVE PAYS	325	325
	SPECIAL PAYS	80,007	80,007
	ALLOWANCES	27,692	27,692
	SEPARATION PAY	3,535	3,535
	SOCIAL SECURITY TAX	20,093	20,093
	TOTAL, BA–2	590,559	590,559
	BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
	BASIC ALLOWANCE FOR SUBSISTENCE	28,639	28,639
	SUBSISTENCE-IN-KIND	14,546	14,546
	TOTAL, BA–4	43,185	43,185
	BA–5: PERMANENT CHANGE OF STATION TRAVEL		
	ACCESSION TRAVEL	5,214	5,214
	OPERATIONAL TRAVEL	23,903	23,903
	ROTATIONAL TRAVEL	30,110	30,110
	SEPARATION TRAVEL	3,132	3,132
	TOTAL, BA–5	62,359	62,359
	BA–6: OTHER MILITARY PERSONNEL COSTS		
	DEATH GRATUITIES	3,800	3,800
	UNEMPLOYMENT BENEFITS	29,662	29,662

M–1	Budget Request	Recommendation
SGLI EXTRA HAZARD PAYMENTS	51,111	51,111
TOTAL, BA–6	84,573	84,573
UNDISTRIBUTED ADJUSTMENT		130,000
Higher than Budgeted Mobilization Levels		+110,000
Increased Deployment Levels		+20,000
TOTAL, MILITARY PERSONNEL, NAVY	1,178,719	1,308,719
MILITARY PERSONNEL, MARINE CORPS		
BA–1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	40,079	40,079
RETIRED PAY ACCRUAL	13,308	13,308
BASIC ALLOWANCE FOR HOUSING	18,565	18,565
BASIC ALLOWANCE FOR SUBSISTENCE	1,760	1,760
SPECIAL PAYS	10,747	10,747
ALLOWANCES	4,805	4,805
SOCIAL SECURITY TAX	4,176	4,176
TOTAL, BA–1	93,440	93,440
BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	190,013	190,013
RETIRED PAY ACCRUAL	43,090	43,090
BASIC ALLOWANCE FOR HOUSING	45,977	45,977
SPECIAL PAYS	95,395	95,395
ALLOWANCES	40,431	40,431
SEPARATION PAY	3,017	3,017
SOCIAL SECURITY TAX	13,435	13,435
TOTAL, BA–2	431,358	431,358
BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	21,420	21,420
TOTAL, BA–4	21,420	21,420
BA–5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	3,270	3,270
TOTAL, BA – 5	3,270	3,270
BA–6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	27,000	27,000
UNEMPLOYMENT BENEFITS	19,942	19,942
SGLI EXTRA HAZARD PAYMENTS	48,345	48,345
TOTAL, BA–6	95,287	95,287
UNDISTRIBUTED ADJUSTMENT		88,145
Over Budgeted End Strength		+88,145
TOTAL, MILITARY PERSONNEL, MARINE CORPS	644,775	732,920
MILITARY PERSONNEL, AIR FORCE		
BA–1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	188,334	188,334
RETIRED PAY ACCRUAL	45,953	45,953
BASIC ALLOWANCE FOR HOUSING	58,889	58,889
BASIC ALLOWANCE FOR SUBSISTENCE	7,320	7,320
SPECIAL PAYS	13,613	13,613
ALLOWANCES	5,760	5,760
SOCIAL SECURITY TAX	14,408	14,408
TOTAL, BA–1	334,277	334,277
BA–2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	472,896	472,896
RETIRED PAY ACCRUAL	115,387	115,387
BASIC ALLOWANCE FOR HOUSING	177,545	177,545
SPECIAL PAYS	49,964	49,964
ALLOWANCES	16,254	16,254
SOCIAL SECURITY TAX	36,177	36,177
TOTAL, BA–2	868,223	868,223
BA–4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	39,090	39,090
SUBSISTENCE-IN-KIND	61,805	61,805
TOTAL, BA–4	100,895	100,895
BA–5: PERMANENT CHANGE OF STATION TRAVEL		
OPERATIONAL TRAVEL	5,957	5,957
TOTAL, BA–5	5,957	5,957
BA–6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	2,000	2,000
UNEMPLOYMENT BENEFITS	27,978	27,978
SGLI EXTRA HAZARD PAYMENTS	67,057	67,057
TOTAL, BA–6	97,035	97,035
UNDISTRIBUTED ADJUSTMENT		654,055
Higher than Budgeted Mobilization Levels		+378,000
Over Budgeted End Strength		+276,055
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,406,387	2,060,442
RESERVE PERSONNEL, ARMY		
BA–1: UNIT AND INDIVIDUAL TRAINING		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	104,230	104,230
SCHOOL TRAINING	9,886	9,886
SPECIAL TRAINING	153,915	153,915
TOTAL, BA–1	268,031	268,031
TOTAL, RESERVE PERSONNEL, ARMY	268,031	268,031
RESERVE PERSONNEL, NAVY		
BA–1: UNIT AND INDIVIDUAL TRAINING		
SCHOOL TRAINING	7,019	7,019
SPECIAL TRAINING	38,683	38,683
ADMINISTRATION AND SUPPORT	3,210	3,210
TOTAL, BA–1	48,912	48,912
TOTAL, RESERVE PERSONNEL, NAVY	48,912	48,912
RESERVE PERSONNEL, MARINE CORPS		
BA–1: UNIT AND INDIVIDUAL TRAINING		
SCHOOL TRAINING	5,467	5,467
SPECIAL TRAINING	24,797	24,797
ADMINISTRATION AND SUPPORT	373	373
TOTAL, BA–1	30,637	30,637
UNDISTRIBUTED ADJUSTMENT		14,800
Over Budgeted End Strength		+14,800
TOTAL, RESERVE PERSONNEL, MARINE CORPS	30,637	45,437
RESERVE PERSONNEL, AIR FORCE		
BA–1: UNIT AND INDIVIDUAL TRAINING		

M–1		Budget Request	Recommendation
.....	SPECIAL TRAINING	27,002	27,002
.....	TOTAL, BA–1	27,002	27,002
.....	TOTAL, RESERVE PERSONNEL, AIR FORCE	27,002	27,002
	NATIONAL GUARD PERSONNEL, ARMY		
.....	BA–1: UNIT AND INDIVIDUAL TRAINING		
.....	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	231,547	231,547
.....	SPECIAL TRAINING	550,090	550,090
.....	ADMINISTRATION AND SUPPORT	46,485	46,485
.....	TOTAL, BA–1	828,122	828,122
.....	UNDISTRIBUTED ADJUSTMENT		24,900
.....	Support to Southwest Border		+24,900
.....	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	828,122	853,022
	NATIONAL GUARD PERSONNEL, AIR FORCE		
	BA–1: UNIT AND INDIVIDUAL TRAINING		
.....	SPECIAL TRAINING	21,060	11,060
.....	Excess to Need		−10,000
.....	TOTAL, BA–1	21,060	11,060
.....	UNDISTRIBUTED ADJUSTMENT		5,800
.....	Support to Southwest Border		+5,800
.....	TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	21,060	16,860
.....	TOTAL, MILITARY PERSONNEL	15,132,054	16,829,378

O–1		Budget	Recommendation
	OPERATION AND MAINTENANCE, ARMY		
131	BASE OPERATIONS SUPPORT	0	1,000,000
.....	Increased Peacetime Base Operations Support Costs to Redeployment of Soldiers from Iraq		+1,000,000
135	ADDITIONAL ACTIVITIES	47,638,208	44,608,615
.....	Reduced Deployment Level		−2,500,000
.....	Transfer to SAG 421 for Subsistence Transportation Costs		−1,013,000
.....	Transfer from Overseas Contingency Operations Transfer Fund for Detainee Operations		+80,000
.....	Transfer from JIEDDO—Synchronization and Integration WTI Cell		+3,200
.....	Transfer from JIEDDO—Thermal Station (National IED Exploitation Facility (NIEF))		+13,000
.....	Transfer from JIEDDO—Beachcomber		+3,000
.....	Transfer from JIEDDO—Counter Bomber		+1,500
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set		+3,000
.....	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems		+1,000
.....	Transfer from JIEDDO—Technical Collection Training Program		+16,400
.....	Transfer from Title II—Chemical Defense Equipment Sustainment		+8,579
.....	Transfer from Title II—MRAP Vehicle Sustainment at Combat Training Centers		+6,420
.....	Transfer from Title II—Body Armor Sustainment		+71,660
.....	Transfer from Title II—Rapid Equipping Force Readiness		+9,294
.....	Transfer from Title II—Fixed Wing Life Cycle Contract Support		+21,171
.....	Transfer from Title II—Overseas Security Guards		+200,000
.....	Transfer from Title II—Senior Leader Initiative— Comprehensive Soldier Fitness Program		+30,000
.....	Transfer from Title II—Survivability and Maneuverability Training		+15,183
136	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,300,000	500,000
.....	Program reduction		−400,000
.....	Transfer to Afghanistan Infrastructure Fund		−400,000
137	RESET	7,840,211	6,261,568
.....	Army-Identified Excess Reset Requirement		−1,578,643
411	SECURITY PROGRAMS	2,358,865	2,364,265
.....	Transfer from JIEDDO—Air Vigilance		+5,400
421	SERVICEWIDE TRANSPORTATION	3,465,334	4,478,334
.....	Transfer from SAG 135 for Subsistence Transportation Costs		+1,013,000
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY	62,602,618	59,212,782
	OPERATION AND MAINTENANCE, NAVY		
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	1,839,918	1,839,918
1A2A	FLEET AIR TRAINING	3,453	3,453
1A3A	AVIATION TECHNICAL DATA & ENGINEERING SVCS	1,400	1,400
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	26,837	26,837
1A4N	AIR SYSTEMS SUPPORT	44,567	44,567
1A5A	AIRCRAFT DEPOT MAINTENANCE	233,114	281,114
.....	Aircraft Depot Maintenance Increase		+48,000
1B1B	MISSION AND OTHER SHIP OPERATIONS	1,151,465	1,151,465
1B2B	SHIP OPERATIONS SUPPORT & TRAINING	27,472	27,472
1B4B	SHIP DEPOT MAINTENANCE	1,266,556	1,290,556
.....	Ship Depot Maintenance Increase		+24,000
1C1C	COMBAT COMMUNICATIONS	38,468	38,468
1C4C	WARFARE TACTICS	82,801	32,801
.....	Navy Identified Excess to Requirement for CENTCOM Operations		−50,000
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	24,855	24,855
1C6C	COMBAT SUPPORT FORCES	2,737,727	2,930,528
.....	Transfer from Title II—Naval Expeditionary Combat Command Increases		+192,801
1C7C	EQUIPMENT MAINTENANCE	3,677	3,677
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	7,000	7,000
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,455	7,455
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,118	100,118
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set		+1,000
1D4D	WEAPONS MAINTENANCE	82,519	82,519
1D7D	OTHER WEAPON SYSTEMS SUPPORT	16,938	16,938
BSIT	ENTERPRISE INFORMATION	10,350	0
.....	ONE-NET Baseline Budget Requirement		−10,350
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	28,250	49,250
.....	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund		+21,000
BSS1	BASE OPERATING SUPPORT	381,749	436,249
.....	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund		+4,000
.....	Transfer from JIEDDO—Counter Bomber		+500
.....	Transfer from Title II—Regional/Emergency Operations Center		+50,000
2A1F	SHIP PREPOSITIONING AND SURGE	27,300	27,300
2C1H	FLEET HOSPITAL PROGRAM	4,400	4,400
2C3H	COAST GUARD SUPPORT	254,461	0
.....	Transfer to Department of Homeland Security		−254,461
3B1K	SPECIALIZED SKILL TRAINING	81,454	84,454
.....	Transfer from Title II—NAVSEA VSSS/EOD Training		+3,000
3B4K	TRAINING SUPPORT	5,400	0
.....	Training Support Baseline Budget Requirement		−5,400
4A1M	ADMINISTRATION	4,265	4,265
4A2M	EXTERNAL RELATIONS	467	467
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	450	450
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	11,214	11,214
4A5M	OTHER PERSONNEL SUPPORT	2,706	2,706
4A6M	SERVICEWIDE COMMUNICATIONS	28,671	28,671

O–1		Budget	Recommendation
4B1N	SERVICEWIDE TRANSPORTATION	300,868	300,868
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	6,091	6,091
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	2,153	2,153
4C1P	NAVAL INVESTIGATIVE SERVICE	78,464	78,464
9999	OTHER PROGRAMS	22,581	22,581
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY	8,946,634	8,970,724
	OPERATION AND MAINTENANCE, MARINE CORPS		
1A1A	OPERATIONAL FORCES	2,448,572	2,317,572
.....	Excess to Requirement for Cargo UAS	.....	−90,400
.....	Transfer to RDTE,N for Cargo UAS	.....	−36,000
.....	Transfer to OP,N for AM-2 Matting	.....	−4,600
1A2A	FIELD LOGISTICS	514,748	517,248
.....	Transfer from JIEDDO—Counter Bomber	.....	+1,000
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set	.....	+1,000
.....	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems	.....	+500
1A3A	DEPOT MAINTENANCE	523,250	523,250
1B1B	MARITIME PREPOSITIONING	7,808	7,808
BSS1	BASE OPERATING SUPPORT	55,301	55,301
3B4D	TRAINING SUPPORT	223,071	223,071
4A3G	SERVICEWIDE TRANSPORTATION	360,000	360,000
4A4G	ADMINISTRATION	3,772	3,772
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	4,136,522	4,008,022
	OPERATION AND MAINTENANCE, AIR FORCE		
011A	PRIMARY COMBAT FORCES	1,896,647	1,896,647
011C	COMBAT ENHANCEMENT FORCES	1,954,759	1,954,759
011D	AIR OPERATIONS TRAINING	113,948	113,948
011M	DEPOT MAINTENANCE	297,623	399,983
.....	Weapons System Sustainment	.....	+102,360
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	704,463	504,463
.....	Unjustified Growth from fiscal year 2010 Baseline	.....	−200,000
011Z	BASE OPERATING SUPPORT	1,780,052	1,780,052
012A	GLOBAL C3I AND EARLY WARNING	128,632	128,632
012C	OTHER COMBAT OPS SPT PROGRAMS	397,894	397,894
013A	LAUNCH FACILITIES	28,975	28,975
013C	SPACE CONTROL SYSTEMS	34,091	34,091
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	127,861	127,861
021A	AIRLIFT OPERATIONS	4,403,800	4,403,800
021D	MOBILIZATION PREPAREDNESS	240,394	240,394
021M	DEPOT MAINTENANCE	217,023	217,023
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	20,360	20,360
021Z	BASE SUPPORT	57,362	57,362
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,948	1,948
031Z	BASE SUPPORT	6,088	6,088
032A	SPECIALIZED SKILL TRAINING	45,893	45,893
032B	FLIGHT TRAINING	20,277	20,277
032C	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
032D	TRAINING SUPPORT	1,820	1,820
041A	LOGISTICS OPERATIONS	292,030	292,030
041R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	10,500	10,500
041Z	BASE SUPPORT	31,985	31,985
042A	ADMINISTRATION	5,438	5,438
042B	SERVICEWIDE COMMUNICATIONS	247,149	247,149
042G	OTHER SERVICEWIDE ACTIVITIES	113,082	113,082
043A	SECURITY PROGRAMS	305,689	305,689
.....	REDUCED DEPLOYMENT LEVELS	.....	−400,000
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	13,487,283	12,989,643
	OPERATION AND MAINTENCE, DEFENSE-WIDE		
1PL1	JOINT CHIEFS OF STAFF	20,500	20,500
1PL2	SPECIAL OPERATIONS COMMAND	3,012,026	2,903,126
.....	Information Operations	.....	−49,400
.....	Leased Aircraft—Unjustified Request	.....	−65,500
.....	Transfer from JIEDDO—Wolfhound II	.....	+6,000
ES18	DEFENSE MEDIA ACTIVITY	14,799	14,799
4GT6	DEFENSE CONTRACT AUDIT AGENCY	27,000	27,000
4GT9	DEFENSE INFORMATION SYSTEMS AGENCY	136,316	144,316
.....	Increase Afghanistan FOB Fiber Connectivity	.....	+8,000
4GTJ	DEFENSE CONTRACT MANAGEMENT AGENCY	74,862	74,862
4GTA	DEFENSE LEGAL SERVICES AGENCY	120,469	116,969
.....	Overstatement of Habeas Corpus Civilian Personnel Pricing	.....	−3,500
4GTJ	DEFENSE DEPENDENTS EDUCATION	485,769	501,769
.....	Additional Funding for Outreach and Reintegration Services Under the Yellow Ribbon Reintegration Program	.....	+16,000
4GTD	DEFENSE SECURITY COOPERATION AGENCY	2,000,000	2,000,000
4GTI	DEFENSE THREAT REDUCTION AGENCY	1,218	1,218
4GTN	OFFICE OF THE SECRETARY OF DEFENSE	188,099	173,099
.....	Knowledge Management	.....	−15,000
9999	OTHER PROGRAMS	3,345,300	3,299,332
.....	Classified Adjustments	.....	−49,168
.....	Transfer from JIEDDO—Synchronization and Integration WTI Cell	.....	+3,200
.....	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	9,426,358	9,276,990
	OPERATION AND MAINTENANCE, ARMY RESERVE		
135	ADDITIONAL ACTIVITIES	286,950	206,784
.....	Army Reserve Identified Excess to Requirement	.....	−80,166
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	286,950	206,784
	OPERATION AND MAINTENANCE, NAVY RESERVE		
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	49,089	49,089
1A3A	INTERMEDIATE MAINTENANCE	400	400
1A5A	AIRCRAFT DEPOT MAINTENANCE	17,760	17,760
1B1B	MISSION AND OTHER SHIP OPERATIONS	9,395	9,395
1B4B	SHIP DEPOT MAINTENANCE	497	497
1C1C	COMBAT COMMUNICATIONS	3,185	3,185
1C6C	COMBAT SUPPORT FORCES	12,169	12,169
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	1,064	1,064
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	93,559	93,559
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		
1A1A	OPERATING FORCES	23,571	23,571
BSS1	BASE OPERATING SUPPORT	6,114	6,114
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	29,685	29,685
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE		
011M	DEPOT MAINTENANCE	116,924	191,124
.....	Weapons System Sustainment	.....	+74,200
011Z	BASE OPERATING SUPPORT	12,683	12,683

O–1		Budget	Recommendation
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	129,607	203,807
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		
135	ADDITIONAL ACTIVITIES	544,349	497,849
.....	Distance Learning—Transfer to Baseline OM,ARNG SAG 121		−9,000
.....	Air OPTEMPO Duplicate Request		−44,000
.....	Support to Southwest Border		+6,500
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	544,349	497,849
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		
011F	AIRCRAFT OPERATIONS	152,896	152,896
011G	MISSION SUPPORT OPERATIONS	57,800	59,400
.....	Support to Southwest Border		+1,600
011M	DEPOT MAINTENANCE	140,127	205,687
.....	Weapons System Sustainment		+65,560
.....	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	350,823	417,983
	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND		
.....	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	1,551,781	0
.....	Transfer to OM,A SAG 135		−80,000
.....	Transfer to OM,N SAGs BSS1 and BSM1		−25,000
.....	Unjustified Program Change		−1,446,781
.....	TOTAL, OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	1,551,781	0
	AFGHANISTAN INFRASTRUCTURE FUND		
.....	Afghanistan Infrastructure Fund—Transfer from CERP		+400,000
.....	TOTAL, AFGHANISTAN INFRASTUCTURE FUND	0	400,000
	AFGHANISTAN SECURITY FORCES FUND		
.....	Afghan National Army	7,467,014	7,467,014
.....	Infrastructure	1,790,933	1,790,933
.....	Equipment and Transportation	1,846,623	1,846,623
.....	Training and Operations	836,842	836,842
.....	Sustainment	2,992,616	2,992,616
.....	Afghan National Police	4,085,437	4,085,437
.....	Infrastructure	1,078,413	1,078,413
.....	Equipment and Transportation	917,966	917,966
.....	Training and Operations	990,213	990,213
.....	Sustainment	1,098,845	1,098,845
.....	Related Activities	66,832	66,832
.....	Detainee Operations—Sustainment	6,037	6,037
.....	Detainee Operations—Training and Operations	1,530	1,530
.....	Detainee Operations—Infrastructure	58,265	58,265
.....	COIN Activities	1,000	1,000
.....	TOTAL, AFGHANISTAN SECURITY FORCES FUND	11,619,283	11,619,283
	IRAQ SECURITY FORCES FUND		
.....	Defense Security Forces	1,656,906	1,656,906
.....	Equipment and Transportation	1,067,706	1,067,706
.....	Training	248,075	248,075
.....	Sustainment	341,125	341,125
.....	Interior Security Forces	268,094	268,094
.....	Equipment and Transportation	220,469	220,469
.....	Sustainment	47,625	47,625
.....	Related Activities	75,000	75,000
.....	Authorization Reduction		−500,000
.....	TOTAL, IRAQ SECURITY FORCES FUND	2,000,000	1,500,000
.....	TOTAL, OPERATION AND MAINTENANCE	115,205,452	1,109,427,111

P–1		Budget Request	Recommendation
	AIRCRAFT PROCUREMENT, ARMY		
2	C–12 CARGO AIRPLANE (OCO)	78,060	78,060
4	MQ–1 UAV (OCO)	47,000	24,000
	Reduction to Projected Battle Losses		−23,000
5	RQ–11 (RAVEN) (OCO)	17,430	17,430
9	AH–64 APACHE BLOCK III		34,600
.....	War Replacement Aircraft		+34,600
11	UH–60 BLACKHAWK (OCO)	40,500	373,400
	Program Increase for Army National Guard		+80,000
	Three Combat Loss UH-60		+52,500
	Accelerate 12 Aircraft		+200,400
13	CH–47 HELICOPTER (OCO)	70,600	258,400
	Accelerate Six Aircraft		+187,800
16	C12 AIRCRAFT MODS (OCO)	122,340	122,340
17	MQ–1 PAYLOAD—UAS (OCO)	3,600	3,600
19	GUARDRAIL MODS (MIP) (OCO)	30,200	6,000
	Authorization Adjustment		−24,200
20	MULTI SENSOR ABN RECON (MIP) (OCO)	86,200	86,200
21	AH-64 MODS (OCO)	199,200	654,200
	AH–64A to AH–64D Conversion for the Texas and Mississippi National Guard		+455,000
23	CH–47 CARGO HELICOPTER MODS (OCO)	82,900	66,900
	Cargo On/Off Loading System (COOLS) ahead of need		−16,000
27	UTILITY HELICOPTER MODS (OCO)	14,530	14,530
28	KIOWA WARRIOR (OCO)	187,288	160,378
	Fielded Fleet Upgrades		+20,000
	Limit Ramp Rate on Replacement Aircraft		−46,910
29	AIRBORNE AVIONICS (OCO)	24,983	24,983
31	RQ–7 UAV MODS (OCO)	97,800	546,500
	Funding Ahead of Need		−1,000
	Transfer from Title III		+497,500
	Ahead of Need		−47,800
36	ASE INFRARED CM (OCO)	197,990	182,990
	Excess to Need		−15,000
38	COMMON GROUND EQUIPMENT (OCO)	65,627	65,627
40	AIR TRAFFIC CONTROL (OCO)	7,555	0
	Unjustified Request		−7,555
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	1,373,803	2,720,138
	MISSILE PROCUREMENT, ARMY		
4	HELLFIRE SYS SUMMARY (OCO)	190,459	190,459
6	TOW 2 SYSTEM SUMMARY (OCO)	112,769	112,769
13	ITAS/TOW MODS (OCO)	40,600	40,600

P–1		Budget Request	Recommendation
	TOTAL, MISSILE PROCUREMENT, ARMY	343,828	343,828
	PROCUREMENT OF W&TCV, ARMY		
4	STRYKER VEHICLE (OCO)		545,000
	Transfer from Stryker Modifications, line 9		+445,000
	Increase for Stryker Double V Hull		+100,000
9	STRYKER VEHICLE MODS (OCO)	445,000	0
	Transfer to Stryker Vehicle, line 4		−445,000
22	MACHINE GUN, CAL .50, M2 ROLL		79,496
	Transfer from Title III		+79,496
26	MORTAR SYSTEMS (OCO)	8,600	8,600
28	XM320 GRENADE LAUNCHER MODULE (OCO)	22,500	22,500
32	COMMON REMOTELY OPERATED WEAPONS STATION (OCO)	100,000	100,000
34	HOWITZER LT WT 155MM (T) (OCO)	62,000	62,000
36	M4 CARBINE MODS (OCO)	12,900	42,900
	Program Increase		+30,000
37	M2 50 CAL MACHINE GUN MODS (OCO)	15,000	15,000
40	M119 MODIFICATIONS (OCO)	21,500	21,500
	TOTAL, PROCUREMENT OF W&TCV, ARMY	687,500	896,996
	PROCUREMENT OF AMMUNITION, ARMY		
2	CTG, 7.62MM, ALL TYPES (OCO)	32,604	13,000
	Per Army Request		−19,604
4	CTG, .50 CAL, ALL TYPES (OCO)	128,876	47,000
	Per Army Request		−81,876
5	CTG, 20MM, ALL TYPES (OCO)	20,056	10,500
	Per Army Request		−9,556
7	CTG, 30MM, ALL TYPES (OCO)	23,826	9,500
	Per Army Request		−14,326
8	CTG, 40MM, ALL TYPES (OCO)	62,700	25,000
	Per Army Request		−37,700
11	120MM MORTAR, ALL TYPES (OCO)	120,160	26,900
	APMI Unit Cost Savings		−50,100
	Per Army Request		−43,160
15	CTG, ARTY, 105MM: ALL TYPES (OCO)	37,620	15,000
	Per Army Request		−22,620
16	CTG, ARTY, 155MM: ALL TYPES (OCO)	37,620	15,000
	Per Army Request		−22,620
18	MODULAR ARTILLERY CHARGE SYS, ALL TYPES (OCO)	15,048	6,000
	Per Army Request		−9,048
19	ARTILLERY FUZES, ALL TYPES (OCO)	12,540	5,000
	Per Army Request		−7,540
24	SHOULDER LAUNCHED MUNITIONS, AL TYPES (OCO)	17,556	0
	Per Army Request		−17,556
25	ROCKET, HYDRA 70, ALL TYPES (OCO)	139,285	139,285
26	DEMOLITION MUNITIONS, ALL TYPES (OCO)		20,000
	Per Army Request		+20,000
27	GRENADES, ALL TYPES (OCO)	2,000	0
	Per Army Request		−2,000
31	NON-LETHAL AMMUNITION, ALL TYPES (OCO)	15,000	0
	Per Army Request		−15,000
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES (OCO)	37,700	37,700
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	702,591	369,885
	OTHER PROCUREMENT, ARMY		
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO)	516,350	398,925
	Battle Loss Replacement		+8,875
	Contract Savings		−126,300
7	FAMILY OF HEAVY TACTICAL VEHICLES (OCO)	188,677	199,809
	Battle Loss Replacement		+11,132
9	ARMORED SECURITY VEHICLES (ASV) (OCO)	52,780	52,780
10	MINE PROTECTION VEHICLE FAMILY (OCO)	136,700	367,678
	Transfer from Title III		+230,978
14	HMMWV RECAPITALIZATION PROGRAM (OCO)	989,067	989,067
15	MODIFICATION OF IN SVC EQUIP (OCO)	20,000	312,956
	Transfer from Title III		+292,956
24	WIN-T-GROUND FORCES TACTICAL NETWORK (OCO)	8,163	8,163
27	SHF TERM (OCO)	62,415	62,415
29	NAVSTAR GLOBAL POSITIONING SYSTEM (OCO)	13,500	63,500
	Additional DAGRs		+50,000
40	AMC CRITICAL ITEMS—OPA2 (OCO)	3,946	3,946
47	RADIO, IMPROVED HF (COTS) FAMILY (OCO)	78,253	78,253
48	MEDICAL COMM FOR CBT CASUALTY CARE (OCO)	15,000	15,000
51x	FAMILY OF BIOMETRICS		38,172
	Non-MIP Biometrics—Transfer from RDTE,A line 171		+38,172
53	BASE SUPPORT COMMUNICATIONS (OCO)	70,000	47,500
	Excess to Need		−22,500
55	INFORMATION SYSTEMS (OCO)		55,000
	Program Adjustment for Tactical Local Area Network (TACLAN)		+55,000
57	INSTALLATION INFO INFRASTRUCTURE MOD (OCO)	413,200	413,200
65	PROPHET GROUND (OCO)	18,900	18,900
70	DCGS–A (MIP) (OCO)	197,092	334,516
	Transfer from Title III		+137,424
74	CI HUMINT AUTO REPRTING AND COLL (OCO)	52,277	47,377
	Excess to Need		−4,900
75	ITEMS LESS THAN $5.0M (MIP) (OCO)	5,400	5,400
76	LIGHTWEIGHT COUNTER MORTAR RADAR (OCO)	25,000	10,000
	Program Decrease		−15,000
77	WARLOCK (OCO)	225,682	225,682
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (OCO)	455,639	455,639
81	FAAD GBS (OCO)	167,460	167,460
84	NIGHT VISION DEVICES (OCO)	5,019	5,019
89	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) (OCO)	291,400	251,200
	Funded Ahead of Need		−40,200
90	BASE EXPEDITIONARY TARGETING & SURV SYS (OCO)	486,050	408,050
	Program Decrease		−78,000
95	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO)	69,800	69,800
96	FORCE XXI BATTLE CMD BRIGADE & BELOW (OCO)	135,500	135,500
98	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	22,371	22,371
99	COMPUTER BALLISTICS: LHMBC XM32 (OCO)	1,800	1,800
101	COUNTERFIRE RADARS (OCO)	20,000	285,867
	Transfer from Title III		+275,867
	Funded Ahead of Need		−10,000
103	TACTICAL OPERATIONS CENTERS (OCO)	43,800	43,800
104	FIRE SUPPORT C2 FAMILY (OCO)	566	13,566
	Advanced Field Artillery Tactical Data System		+13,000
105	BATTLE COMMAND SUSTAINMENT SUPPORT SYS	420	420
108	KNIGHT FAMILY (OCO)	49,744	49,744
110	AUTOMATIC IDENTIFICATION TECHNOLOGY (OCO)	2,222	2,222
114	NETWORK MANAGEMENT INITIALIZATION & SERVICE (OCO)	5,000	5,000
115	MANEUVER CONTROL SYSTEM (OCO)	60,111	60,111
121	AUTOMATED DATA PROCESSING EQUIP (OCO)	10,500	10,500

P–1		Budget Request	Recommendation
130	PROTECTIVE SYSTEMS (OCO)	5,690	5,690
135	TACTICAL BRIDGING, FLOAT RIBBON (OCO)	3,220	3,220
136	HANDHELD STANDOFF MINEFIELD DETECTION SYSTEM	0	28,000
	Transfer from JIEDDO for Proper Execution		+28,000
137	GRND STANDOFF MINE DETECTION SYSTEM (OCO)	191,000	191,000
141	HEATERS AND ECU'S (OCO)	8,708	8,708
149	FORCE PROVIDER (OCO)	261,599	52,499
	Excess to Need		−209,100
150	FIELD FEEDING EQUIPMENT (OCO)	29,903	29,903
154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER (OCO)	55,105	55,105
155	WATER PURIFICATION SYSTEMS (OCO)	12,086	0
	Funded Ahead of Need		−12,086
156	COMBAT SUPPORT MEDICAL (OCO)	8,680	8,680
157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO)	41,398	41,398
159	GRADER, ROAD MTZD, HVY, 6X4 (CCE) (OCO)	3,390	3,390
161	SCRAPERS, EARTHMOVING (OCO)	3,195	3,195
164	LOADERS (OCO)	1,157	1,157
168	HIGH MOBILITY ENGINEER EXCAVATOR FOS (OCO)	3,750	3,750
170	ITEMS LESS THAN $5.0M (CONST EQUIP) (OCO)	4,140	4,140
174	GENERATORS AND ASSOCIATED EQUIP (OCO)	37,480	37,480
175	ROUGH TERRAIN CONTAINER HANDLER (OCO)	4,562	4,562
177	ALL TERRAIN LIFTING ARMY SYSTEM (OCO)	56,609	58,049
	Battle Loss Replacement		+1,440
179	TRAINING DEVICES, NONSYSTEM (OCO)	28,624	28,624
180	CLOSE COMBAT TACTICAL TRAINER (OCO)	8,200	0
	Funded Ahead of Need		−8,200
184	INTEGRATED FAMILY OF TEST EQUIPMENT (OCO)	622	622
186	RAPID EQUIPPING SOLDIER SUPT EQUIPMENT (OCO)	58,590	38,590
	Excess to Need		−20,000
187	PHYSICAL SECURITY SYSTEMS (OPA3) (OCO)	77,000	77,000
192	SPECIAL EQUIPMENT FOR USER TESTING (OCO)	1,987	1,987
	CLASSIFIED PROGRAMS (OCO)	775	775
	TOTAL, OTHER PROCUREMENT, ARMY	5,827,274	6,423,832
	AIRCRAFT PROCUREMENT, NAVY		
3	F/A-18E/F (FIGHTER) HORNET (MYP)		495,000
	Strike Fighter Shortfall Mitigation - Nine Aircraft		+495,000
11	UH-1Y/AH-1Z (OCO)	88,500	88,500
19	E-2C (EARLY WARNING) HAWKEYE (MYP)		175,000
	Program Increase - Combat Loss Replacement		+175,000
29	EA-6 SERIES (OCO)	15,000	12,700
	Install Equipment Program Adjustment		−2,300
31	AV-8 SERIES (OCO)	72,100	65,371
	Pod Upgrade Kits Cost Growth		−1,529
	GEN4 Pod Cost Growth		−5,200
32	F-18 SERIES (OCO)	43,250	43,250
34	AH-1W SERIES (OCO)	35,510	35,510
35	H-53 SERIES (OCO)	36,248	27,148
	Funded Ahead of Need		−9,100
36	SH-60 SERIES (OCO)	6,430	6,430
39	P-3 SERIES (OCO)	6,000	6,000
48	SPECIAL PROJECT AIRCRAFT (OCO)	6,100	6,100
53	COMMON ECM EQUIPMENT (OCO)	38,700	31,020
	Directed Infrared Countermeasures Installation Kit Cost Growth		−7,680
54	COMMON AVIONICS CHANGES (OCO)	14,100	14,100
55	COMMON DEFENSIVE WEAPON SYSTEM (OCO)	10,500	10,500
57	RQ-7 SERIES (OCO)	8,000	8,000
58	V-22 (TILT/ROTOR ACFT) OSPREY (OCO)	36,420	36,420
59	SPARES AND REPAIR PARTS (OCO)	3,500	208,500
	Aviation Spares		+205,000
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	420,358	1,269,549
	WEAPONS PROCUREMENT, NAVY		
5	SIDEWINDER (OCO)	2,923	0
	Non-combat Expenditures		−2,923
9	HELLFIRE (OCO)	85,504	85,504
26	SMALL ARMS AND WEAPONS (OCO)	4,998	4,998
	TOTAL, WEAPONS PROCUREMENT, NAVY	93,425	90,502
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS		
1	GENERAL PURPOSE BOMBS (OCO)	6,060	0
	Contract Delay		−6,060
3	AIRBORNE ROCKETS, ALL TYPES (OCO)	76,043	76,043
4	MACHINE GUN AMMUNITION (OCO)	69,660	68,660
	20mm Linked TP, PGU-27 Cost Growth		−1,000
7	AIR EXPENDABLE COUNTERMEASURES (OCO)	33,632	33,632
11	OTHER SHIP GUN AMMUNITION (OCO)	455	455
12	SMALL ARMS & LANDING PARTY AMMO (OCO)	7,757	7,757
13	PYROTECHNIC AND DEMOLITION (OCO)	1,209	1,209
15	SMALL ARMS AMMUNITION (OCO)	19,498	19,498
16	LINEAR CHARGES, ALL TYPES (OCO)	4,677	4,677
17	40 MM, ALL TYPES (OCO)	11,307	11,307
18	60MM, ALL TYPES (OCO)	17,150	17,150
19	81MM, ALL TYPES (OCO)	27,738	27,738
20	120MM, ALL TYPES (OCO)	96,895	96,895
21	CTG 25MM, ALL TYPES (OCO)	990	990
22	GRENADES, ALL TYPES (OCO)	6,137	6,137
23	ROCKETS, ALL TYPES (OCO)	13,543	13,543
24	ARTILLERY, ALL TYPES (OCO)	137,118	137,118
25	DEMOLITION MUNITIONS, ALL TYPES (OCO)	9,296	9,296
26	FUZE, ALL TYPES (OCO)	25,888	25,888
27	NON LETHALS (OCO)	31	31
	TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	565,084	558,024
	OTHER PROCUREMENT, NAVY		
25	STANDARD BOATS (OCO)	30,706	23,706
	Riverine Patrol Boats - Unjustified Request		−7,000
57	MATCALS (OCO)	27,080	25,080
	ASPARCS - Unjustified Cost Growth		−2,000
74	EMI CONTROL INSTRUMENTATION (OCO)	1,800	1,800
94	EXPEDITIONARY AIRFIELDS (OCO)	0	4,600
	AM-2 Matting Expeditionary Airfield - Requested Transfer from OM,MC		+4,600
99	AVIATION LIFE SUPPORT (OCO)	26,024	10,024
	CSEL Excess to Need		−16,000
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	132,386	10,386
	JCREW - Funding No Longer Required		−122,000
122	PASSENGER CARRYING VEHICLES (OCO)	1,234	1,234
123	GENERAL PURPOSE TRUCKS (OCO)	420	420
124	CONSTRUCTION & MAINTENANCE EQUIP (OCO)	55,474	41,474
	Contract Delays		−14,000
126	TACTICAL VEHICLES (OCO)	91,802	91,802

P–1		Budget Request	Recommendation
129	ITEMS UNDER $5 MILLION (OCO)	26,016	26,016
131	MATERIALS HANDLING EQUIPMENT (OCO)	33,659	33,659
137	COMMAND SUPPORT EQUIPMENT (OCO)	2,775	2,775
146	PHYSICAL SECURITY EQUIPMENT (OCO)	46,417	38,917
	ATFP Afloat—Ahead of Need		−7,500
149	SPARES AND REPAIR PARTS (OCO)	4,942	4,942
	TOTAL, OTHER PROCUREMENT, NAVY	480,735	316,835
	PROCUREMENT, MARINE CORPS		
2	LAV PIP (OCO)	152,333	37,573
	Baseline Budget Requirement		−114,760
5	155MM LIGHTWEIGHT TOWED HOWITZER (OCO)	103,600	103,600
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO)	145,533	145,533
7	WEAPONS & COMBAT VEHICLES UNDER $5 M (OCO)	7,329	7,329
9	MODIFICATION KITS (OCO)	12,000	12,000
10	WEAPONS ENHANCEMENT PROGRAM (OCO)	18,571	18,571
16	UNIT OPERATIONS CENTER (OCO)	112,424	112,424
17	REPAIR AND TEST EQUIPMENT (OCO)	15,962	38,762
	OCO Shortfall—ETMS and Obsolescence Upgrades		+22,800
19	MODIFICATION KITS (OCO)	18,545	3,345
	Unexecutable Funding—CESAS		−15,200
20	ITEMS UNDER $5 MILLION (COMM & ELEC) (OCO)	11,549	11,549
21	AIR OPERATIONS C2 SYSTEMS (OCO)	41,031	41,031
22	RADAR SYSTEMS (OCO)	5,493	10,993
	OCO Shortfall—TPS-59		+5,500
23	FIRE SUPPORT SYSTEM (OCO)	4,710	4,710
24	INTELLIGENCE SUPPORT EQUIPMENT (OCO)	82,897	82,897
26	DCGS-MC (OCO)	21,789	21,789
28	COMMON COMPUTER RESOURCES (OCO)	29,412	29,412
29	COMMAND POST SYSTEMS (OCO)	36,256	36,256
30	RADIO SYSTEMS (OCO)	155,545	110,545
	E-LMR—Not an OCO Requirement		−45,000
31	COMM SWITCHING & CONTROL SYSTEMS (OCO)	63,280	28,280
	Previously Funded UUNS		−35,000
35	5/4T TRUCK HMMWV (MYP) (OCO)	12,994	0
	Service Requested Reduction		−12,994
37	MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO)	80,559	80,559
38	LOGISTICS VEHICLE SYSTEM REP (OCO)	109,100	109,100
39	FAMILY OF TACTICAL TRAILERS (OCO)	22,130	22,130
42	ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO)	17,799	27,399
	OCO Shortfall—ECU and SFRS		+9,600
43	BULK LIQUID EQUIPMENT (OCO)	1,628	16,758
	OCO Shortfall—Tank and Pump Modules		+15,130
44	TACTICAL FUEL SYSTEMS (OCO)	83,698	89,498
	OCO Shortfall—Liquid Fuel Storage		+5,800
45	POWER EQUIPMENT ASSORTED (OCO)	41,536	41,536
47	EOD SYSTEMS (OCO)	213,985	188,985
	Excess to Requirement		−25,000
48	PHYSICAL SECURITY EQUIPMENT (OCO)	5,200	5,200
50	MATERIAL HANDLING EQUIP (OCO)	58,264	58,264
53	TRAINING DEVICES (OCO)	55,864	55,864
54	CONTAINER FAMILY (OCO)	8,826	8,826
56	FAMILY OF INTERNALLY TRANSPORTABLE VEHICLE (OCO)	28,401	28,401
	TOTAL, PROCUREMENT, MARINE CORPS	1,778,243	1,589,119
	AIRCRAFT PROCUREMENT, AIR FORCE		
1	F-35 (OCO)	204,900	0
	Unjustified Request		−204,900
19	CV-22 (OCO)		70,000
	Program Increase—Provides for One Additional Combat Loss Aircraft		+70,000
25	HH-60M OPERATIONAL LOSS REPLACEMENT (OCO)	114,000	417,400
	Program Increase (Adds 10 Aircraft, Not Less Than Four for the Air National Guard)		+303,400
26	RQ-11 (OCO)	9,380	9,380
34	MQ-9 (OCO)	216,000	376,814
	Spares		−55,186
	Transfer 12 Aircraft from Title III		+216,000
37	B-1B (OCO)	8,500	8,500
39	A-10 (OCO)	16,500	16,500
44	C-5 (OCO)	73,400	73,400
47	C-17A (OCO)	224,450	176,450
	Program Decrease		−48,000
56	KC-10A (ATCA) (OCO)	3,540	3,540
62	C-130 (OCO)	166,720	166,720
63	C-130 MODS INTEL (OCO)	10,900	10,900
66	COMPASS CALL MODS	10,000	10,000
72	H-60 (OCO)	81,000	153,200
	Excess to Need for Radars		−61,000
	Program Increase—Transportable Blackhawk Operation Simulators		+92,800
	Program Increase—Control Display Unit Mission Processors		+12,500
	Program Increase—GPS/Inertial Navigation Units		+27,900
75	OTHER AIRCRAFT (OCO)	61,600	61,600
78	MQ-9 PAYLOAD—UAS	45,000	160,383
	Transfer from Title III		+115,383
79	CV-22 MODS (OCO)	830	830
80	INITIAL SPARES/REPAIR PARTS	10,900	10,900
98	OTHER PRODUCTION CHARGES (OCO)	57,500	218,138
	Transfer from Title III		+160,638
104	DARP (OCO)	47,300	47,300
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	1,362,420	1,991,955
	MISSILE PROCUREMENT, AIR FORCE		
5	PREDATOR HELLFIRE MISSILE (OCO)	41,621	41,621
10	AGM-65D MAVERICK (OCO)	15,000	15,000
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	56,621	56,621
	PROCUREMENT OF AMMUNITION, AIR FORCE		
2	CARTRIDGES (OCO)	30,801	30,801
4	GENERAL PURPOSE BOMBS (OCO)	53,192	53,192
5	JOINT DIRECT ATTACK MUNITION (OCO)	147,991	147,991
11	FLARES (OCO)	20,486	20,486
12	FUZES (OCO)	24,982	24,982
13	SMALL ARMS (OCO)	15,507	15,507
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	292,959	292,959
	OTHER PROCUREMENT, AIR FORCE		
2	MEDIUM TACTICAL VEHICLE (OCO)	7,350	5,350
	Contract Savings		−2,000
5	SECURITY AND TACTICAL VEHICLES (OCO)	15,540	13,540
	Uparmored HMMWV—Unjustified Cost Growth		−2,000

P–1		Budget Request	Recommendation
11	ITEMS LESS THAN $5,000,000(VEHICLES)(OCO)	690	690
16	INTELLIGENCE COMM EQUIPMENT (OCO)	1,400	1,400
19	THEATER AIR CONTROL SYS IMPROVEMEN	4,354	4,354
20	WEATHER OBSERVATION FORECAST (OCO)	9,825	0
	OS-21 Contract Delays		−9,825
28	AIR FORCE PHYSICAL SECURITY SYSTEM (OCO)	6,100	6,100
38	USCENTCOM (OCO)	28,784	28,784
44	MILSATCOM SPACE (OCO)	4,300	4,300
46	COUNTERSPACE SYSTEM (OCO)	8,200	8,200
47	TACTICAL C-E EQUIPMENT (OCO)	2,552	2,552
52	COMM ELECT MODS (OCO)	470	470
53	NIGHT VISION GOGGLES (OCO)	8,833	4,433
	NVCD-NSL Contract Delays		−4,400
57	CONTINGENCY OPERATIONS (OCO)	131,559	16,759
	JCREW Ahead of Need		−114,800
56	BASE PROCURED EQUIPMENT (OCO)	9,070	9,070
59	MOBILITY EQUIPMENT (OCO)	16,588	16,588
66	DEFENSE SPACE RECONNAISSANCE PROG (OCO)	9,700	9,700
	OTHER PROGRAMS (OCO)	2,822,166	2,736,303
	Classified Adjustment		−85,863
	TOTAL, OTHER PROCUREMENT, AIR FORCE	3,087,481	2,868,593
	PROCUREMENT, DEFENSE-WIDE		
5	DIA SUPT TO CENTCOM INTELLIGENCE ACT (OCO)	27,702	27,702
18	GLOBAL COMMAND AND CONTROL SYS (OCO)	1,000	1,000
20	TELEPORT PROGRAM (OCO)	6,191	6,191
23	DEFENSE INFORMATION SYSTEM NETWORK (OCO)	520	520
35	AEGIS FIELDING	0	189,720
	SM-3 Block IA—Additional 20 Interceptors		+189,720
50	MAJOR EQUIPMENT, OSD (OCO)	5,700	5,700
52	UNDISTRIBUTED, INTELLIGENCE	15,000	15,000
XX	OTHER PROGRAMS (OCO)	323,486	333,675
	Classified Adjustment		+10,189
55	ROTARY WING UPGRADES &SUSTAINMENT (OCO)	5,600	5,600
55A	MH-47G	0	28,500
	Combat Loss Replacement Aircraft		+28,500
56	MH-47 SERVICE LIFE EXTENSION PROG (OCO)	4,222	15,222
	Modifications for Combat Loss Replacement Aircraft		+11,000
57	MH-60 SOF MODERNIZATION (OCO)	0	7,800
	Modifications for Combat Loss Replacement Aircraft		+7,800
58	NON-STANDARD AVIATION	0	121,268
	Medium NSAV -- Transfer from Title III		+121,268
63	CV-22 SOF MODIFICATION	0	15,000
	Modifications for Combat Loss Replacement Aircraft		+15,000
64	MQ-1 UAS(OCO)	8,202	8,202
65	MQ-9 UAV (OCO)	4,368	4,368
71	SOF ORDNANCE REPLENISHMENT (OCO)	75,878	65,878
	Execution Delays		−10,000
72	SOF ORDNANCE ACQUISITION (OCO)	49,776	49,776
73	COMMUNICATIONS EQUIPMENT & ELECTRONICS (OCO)	9,417	31,817
	Program Increase—Unfunded Requirement		22,400
74	SOF INTELLIGENCE SYSTEMS (OCO)	149,406	81,306
	Leased Aircraft—Unjustified Request		−42,800
	HF-TTL Baseline Budget Requirement		−25,300
81	TACTICAL VEHICLES (OCO)	36,262	91,262
	Program Increase—Unfunded Requirement		+55,000
83	COMBAT MISSION REQUIREMENTS (OCO)	30,000	0
	OCO Program Growth		−30,000
88	SOF AUTOMATION SYSTEMS (OCO)	1,291	1,291
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE (OCO)	25,000	25,000
92	SOF VISUAL AUGMENTATION, LASERS & SENSORS (OCO)	3,200	22,700
	Program Increase—Unfunded Requirement		+19,500
93	SOF TACTICAL RADIO SYSTEMS (OCO)	3,985	3,985
96	MISCELLANEOUS EQUIPMENT (OCO)	5,530	5,530
97	SOF OPERATIONAL ENHANCEMENTS (OCO)	79,869	95,545
	Program Increase—Unfunded Requirement		+51,376
	Requirement Addressed by Reprogramming		−35,700
	CLASSIFIED PROGRAMS	2,941	2,941
	TOTAL, PROCUREMENT, DEFENSE-WIDE	874,546	1,262,499
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	NATIONAL GUARD AND RESERVE EQUIPMENT	0	850,000
	Program Increase—Army Reserve		+140,000
	Program Increase—Navy Reserve		+70,000
	Program Increase—Marine Corps Reserve		+70,000
	Program Increase—Air Force Reserve		+70,000
	Program Increase—Army National Guard		+250,000
	Program Increase—Air National Guard		+250,000
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND		
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND	3,415,000	3,415,000
	TOTAL, PROCUREMENT	21,361,868	25,316,335

R–1		Budget Request	Recommendation
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
48	NIGHT VISION ADVANCED TECHNOLOGY (OCO)	0	23,100
	Program increase—Aviation night and limited visibility sensor demonstration		+23,100
60	SOLDIER SUPPORT AND SURVIVABILITY (OCO)	57,900	14,900
	HFDS—Transfer to line 75 for execution at request of the Army		-48,000
	REF—Transfer from Title IV for OCO requirement		+5,000
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	0	7,800
	Transfer from JIEDDO—Air Vigilance		+7,800
75	ELECTRONIC WARFARE DEVELOPMENT (OCO)	5,400	48,000
	HFDS—Transfer from line 60 for execution at request of the Army		+48,000
	Long-term development effort		−5,400
77	ALL SOURCE ANALYSIS SYSTEM (OCO)	8,100	8,100
171	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	63,306	0
	Protected Information—Biometrics—Transfer to line 171x		−25,134
	Transfer to OP,A line 51 at request of the Army		−38,172
171x	FAMILY OF BIOMETRICS	0	25,134
	Non-MIP Biometrics—Transfer from line 171		+25,134
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS (OCO)	16,200	16,200
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	150,906	143,234
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY (OCO)	14,100	10,680

R–1		Budget Request	Recommendation
.....	Unjustified request	.....	−3,420
53	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO)	1,000	1,000
75	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (OCO)	0	11,800
.....	Network Enabled EW—Transfer from JIEDDO	.....	+11,800
124	MEDICAL DEVELOPMENT (OCO)	300	300
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT (OCO)	5,200	5,200
204	TACTICAL UNMANNED AERIAL VEHICLES	0	36,000
.....	Transfer from OM,MC for Qualitative Risk Assessment	.....	+36,000
213	RQ–7 UAV (OCO)	6,900	6,900
999	OTHER PROGRAMS (OCO)	32,901	32,901
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	60,401	104,781
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
17	ADVANCED AEROSPACE SENSORS	0	56,000
.....	Blue Devil Block 2—Transfer from JIEDDO	.....	+56,000
36	SPACE CONTROL TECHNOLOGY (OCO)	16,000	16,000
66	TACTICAL DATA NETWORKS ENTERPRISE (OCO)	30,000	30,000
128	MQ9 UAV (OCO)	0	88,500
.....	VADER/DDR on MQ–9—Transfer from JIEDDO	.....	+88,500
145	CSAF INNOVATION PROGRAM (OR ISR INNOVATIONS)	0	112,000
.....	ISR Sensor Pilot Program	.....	+112,000
164	MISSION PLANNING SYSTEMS (OCO)	4,443	4,443
211	NETWORK-CENTRIC COLLABORATIVE TARGETING (OCO)	6,100	6,100
230	SPECIAL TACTICS/COMBAT CONTROL (OCO)	10,325	10,325
999	OTHER PROGRAMS (OCO)	199,373	161,014
.....	Classified Adjustment	.....	−38,359
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	266,241	484,382
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
56	DARPA SENSOR TECHNOLOGY	0	40,000
.....	Transfer from JIEDDO—Wide Area Surveillance Development Roadmap	.....	+40,000
197	LONG-HAUL COMMUNICATIONS DCS (OCO)	23,125	23,125
202	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	750	750
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT (OCO)	9,440	9,440
255	SOF Operational Enhancements	0	14,500
.....	Transfer from JIEDDO—EW Family of Systems	.....	+14,500
999	OTHER PROGRAMS (OCO)	123,925	134,801
.....	Classified Adjustment	.....	+3,376
.....	Transfer from JIEDDO—Wallaby	.....	+7,500
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	157,240	222,616
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	634,788	955,013
	DEFENSE HEALTH PROGRAM		
.....	OPERATION AND MAINTENANCE	1,398,092	1,398,092
.....	IN-HOUSE CARE	709,004	709,004
.....	PRIVATE SECTOR CARE	538,376	538,376
.....	CONSOLIDATED HEALTH CARE	128,412	128,412
.....	INFORMATION MANAGEMENT/IT	2,286	2,286
.....	MANAGEMENT HEADQUARTERS	518	518
.....	EDUCATION AND TRAINING	18,061	18,061
.....	BASE OPERATIONS AND COMMUNICATIONS	1,435	1,435
.....	RESEARCH AND DEVELOPMENT	0	24,000
.....	Blast Recovery Monitors—Transfer from JIEDDO	.....	+8,000
.....	Body Blood Flow Monitor—Transfer from JIEDDO	.....	+9,000
.....	EMF Blast Pulse Effects—Transfer from JIEDDO	.....	+7,000
.....	TOTAL, DEFENSE HEALTH PROGRAM	1,398,092	1,422,092
	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		
.....	AFGHANISTAN AIR MOBILITY	141,634	141,634
.....	AFGHANISTAN BORDER FACILITIES	5,000	5,000
.....	AFGHANISTAN BORDER POLICE EQUIP	19,500	19,500
.....	AFGHANISTAN BORDER TRAINING	20,000	20,000
.....	CENTCOM SUPPORT—AFGHANISTAN	3,000	3,000
.....	COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES	25,295	25,295
.....	COUNTER NARCOTICS POLICE AFGHANISTAN TRAINING	50,250	50,250
.....	COUNTER NARCOTICS POLICE AFGHANISTAN (CNP-A) EQUIPMENT	1,241	1,241
.....	INTELLIGENCE AND TECHNOLOGY	61,500	56,900
.....	Program Adjustment	.....	−4,600
.....	PAKISTAN	49,590	49,590
.....	KAZAKHSTAN	7,850	7,850
.....	KYRGYZSTAN	27,900	27,900
.....	TAJIKISTAN	8,500	8,500
.....	TURKMENISTAN	10,350	10,350
.....	UZBEKISTAN	8,500	8,500
.....	YEMEN	17,000	17,000
.....	PROGRAM ADJUSTMENT	.....	−12,000
.....	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	457,110	440,510
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
1	ATTACK THE NETWORK	1,434,400	765,200
.....	Transfer to Staff and Infrastructure for proper execution	.....	−238,800
.....	Air Vigilance—outside JIEDDO mission—Transfer to RDTE,A line 61 and OM,A line 411 for proper execution	.....	−13,200
.....	Blue Devil Block 2—Transfer to RDTE,AF line 17 for proper execution	.....	−56,000
.....	Copperhead—program terminated	.....	−125,000
.....	Electronic Warfare Family of Systems (EW FoS)—Transfer to SOCOM, RDTE,DW for proper execution	.....	−14,500
.....	JUON Reserve	.....	+100,000
.....	Solar ISE—outside JIEDDO mission	.....	−7,000
.....	Synchronization and Integration WTI Cell—Transfer to OM,A SAG 135 and OM,DW for proper execution	.....	−6,400
.....	Thermal Station (National IED Exploitation Facility (NIEF))—Transfer to OM,A SAG 135 for proper execution	.....	−13,000
.....	VADER development—Transfer $88.5 million to RDTE,AF line 128	.....	−241,800
.....	Wallaby—Transfer to RDTE,DW for proper execution	.....	−7,500
.....	Wide Area Surveillance Development Roadmap (WASDP)—Transfer to DARPA for proper execution	.....	−40,000
.....	Wolfhound II—Transfer to OM,DW for proper execution	.....	−6,000
2	DEFEAT THE DEVICE	1,529,390	1,223,090
.....	ACES HY Roadmap—Program terminated	.....	−28,000
.....	Transfer to Staff and Infrastructure for proper execution	.....	−105,000
.....	Beachcomber—Transfer to OM,A SAG 135 for proper execution	.....	−3,000
.....	Counter Bomber—Transfer to OM,A SAG 135, OM,N, OM,MC and OM,AF for proper execution	.....	−3,000
.....	CREW-SSM—Universal Test Set—Transfer to OM,A SAG 135, OM,N and OM,MC for proper execution	.....	−5,000
.....	JUON Reserve	.....	−105,000
.....	Networked Enabled EW—Transfer to RDTE,N line 75 for proper execution	.....	−11,800
.....	Personnel Borne IED/Vehicle Borne IED (PBIED/VBIED)—Transfer to OP,A line 136 for proper execution	.....	−28,000
.....	Starlite Development Program—Program terminated	.....	−16,000

R–1		Budget Request	Recommendation
.....	Subtle Magnetic Anomaly Detection Networked Systems—Transfer to OM,A SAG 135 and OM,MC for proper execution	.....	−1,500
3	TRAIN THE FORCE	286,210	170,410
.....	Transfer to Staff and Infrastructure for proper execution	.....	−75,400
.....	Blast Recovery Monitors—Transfer to DHP RDTE for proper execution	.....	−8,000
.....	Body Blood Flow Monitor—Transfer to DHP RDTE for proper execution	.....	−9,000
.....	EMF Blast Pulse Effects—Transfer to DHP RDTE for proper execution	.....	−7,000
.....	Technical Collection Training Program—Transfer to OM,A SAG 135 for proper execution	.....	−16,400
4	STAFF AND INFRASTRUCTURE	0	635,068
.....	Transfer from Title VI	.....	+215,868
.....	Transfer from Attack the Network for proper execution	.....	+238,800
.....	Transfer from Defeat the Device for proper execution	.....	+105,000
.....	Transfer from Train the Force for proper execution	.....	+75,400
.....	TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	3,250,000	2,793,768
	OFFICE OF THE INSPECTOR GENERAL		
.....	OFFICE OF THE INSPECTOR GENERAL	10,529	10,529
.....	TOTAL, OFFICE OF THE INSPECTOR GENERAL	10,529	10,529
.....	TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS	5,115,731	4,666,899

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 2

9:30 a.m.

Foreign Relations

To hold hearings to examine national security and foreign policy priorities in the fiscal year 2012 International Affairs Budget.

SD–106

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Energy.

SD–608

Commerce, Science, and Transportation

To hold hearings to examine the future of American manufacturing, focusing on maintaining America's competitive edge.

SR–253

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD–366

Finance

To hold hearings to examine preventing health care fraud, focusing on new tools and approaches to combat old challenges.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine improving employment opportunities for people with intellectual disabilities.

SD–430

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Homeland Security.

SD–138

Homeland Security and Governmental Affairs

To hold hearings to examine eliminating bottlenecks, focusing on streamlining the nominations process.

SD–342

Judiciary

To hold hearings to examine helping law enforcement find missing children.

SD–226

10:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2012.

SR–418

2 p.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of State and Foreign Operations.

SD–192

Aging

To hold hearings to examine ending elder abuse, neglect and financial exploitation.

SD–106

2:30 p.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Environmental Protection Agency.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine preventing abuse of the Military's Tuition Assistance Program.

SD–342

3 p.m.

Judiciary

To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, and Claire C. Cecchi, and Esther Salas, both to be United States District Judge for the District of New Jersey.

SD–226

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of General Martin E. Dempsey, USA for reappointment to the grade of general and to be Chief of Staff, United States Army, Department of Defense.

SD–106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD–366

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation.

SD–608

Judiciary

Business meeting to consider S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, S. 222, to limit investor and homeowner losses in foreclosures, and the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Mae A. D'Agostino, to be United States District Judge for the Northern District of New York, Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice.

SD–226

Small Business and Entrepreneurship

To hold hearings to examine exploring minority access to capital and contracting opportunities.

SR–428A

Appropriations

Transportation and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Housing and Urban Development.

SD–138

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold an oversight hearing to examine the implementation of Title VII of the ''Wall Street Reform and Consumer Protection Act''.

SR–328A

Foreign Relations

To hold hearings to examine navigating a turbulent global economy, focusing on implications for the United States.

SD–419

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Office of the Architect of the Capitol, and the Office of Compliance.

SD–138

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for February 2011.

SH–216

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session.

SD–G50

Veterans' Affairs

To hold joint hearings to examine the legislative presentation from Veterans of Foreign Wars.

345, Cannon Building

10 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine State Department training, focusing on investing in the workforce to address 21st century challenges.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Executive Office of the President.
SD–342

MARCH 9

10 a.m.
Finance
To hold hearings to examine the President's 2011 trade agenda.
SD–215

2:15 p.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Federal Highway Administration.
SD–406

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine new tools for curbing waste and fraud in Medicare and Medicaid.
SD–342

MARCH 16

9:30 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations from AMVETS, Jewish War Veterans, Military Officers Association of America, Gold Star Wives, Blinded Veterans Association, Non Commissioned Officers Association, Iraq and Afghanistan Veterans of America, Fleet Reserve Association.
SDG–50

MARCH 30

10:30 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations from Paralyzed Veterans of America, Air Force Sergeants Association, Military Order of the Purple Heart, National Association of State Directors of Veterans Affairs, Wounded Warrior Project, Vietnam Veterans of America, The Retired Enlisted Association, American Ex-Prisoners of War.
SD–106

MARCH 31

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.
SD–G50

APRIL 12

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session.
SD–106

Daily Digest

HIGHLIGHTS

CORRECTION

Senator Isakson read Washington's Farewell Address.

Senate

Chamber Action

Routine Proceedings, pages S929–S1022

Measures Introduced: Six bills and eight resolutions were introduced, as follows: S. 416–421, S.J. Res. 7–9, S. Res. 77–79, and S. Con. Res. 7–8. **Page S976**

Measures Reported:

S. Res. 79, authorizing expenditures by the Committee on Foreign Relations. **Page S975**

Measures Passed:

Death of Former Senator James Albertus McClure of Idaho: Senate agreed to S. Res. 78, relative to the death of James Albertus McClure, former United States Senator for the State of Idaho. **Pages S957–59**

Recognizing Women Serving in the United States Armed Forces: Senate agreed to S. Con. Res. 8, recognizing women serving in the United States Armed Forces. **Page S1021**

Measures Considered:

Patent Reform Act—Agreement: Senate began consideration of S. 23, to amend title 35, United States Code, to provide for patent reform, agreeing to the committee reported amendments, and taking action on the following amendments proposed thereto: **Pages S936–53, S956–57**

Pending:

Leahy Amendment No. 114, to improve the bill. **Pages S950–52**

Vitter/Toomey Amendment No. 112, to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached. **Pages S952–53**

Bennet Amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination. **Page S956**

Bennet Amendment No. 117, to establish additional USPTO satellite offices. **Pages S956–57**

Lee Amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the Constitution. **Page S957**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, March 1, 2011. **Page S1022**

Reduce Federal Spending—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 359, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions. **Page S1021**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, March 2, 2011. **Page S1021**

Subsequently, the motion to proceed was withdrawn. **Page S1021**

Washington's Farewell Address: Senator Isakson performed the traditional reading of Washington's Farewell Address. **Pages S929–33**

Authorizing Expenditures—Agreement: A unanimous-consent agreement was reached providing that the Rules Committee be discharged from further consideration of S. Res. 70, authorizing expenditures by the Committee on Rules and Administration, and the resolution be placed on the Calendar. **Page S1022**

Nominations Confirmed: Senate confirmed the following nominations:

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia. **Pages S953–55, S1022**

By a unanimous vote of 90 yeas (Vote No. EX. 26), Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia. **Pages S953–56, S1022**

Nominations Received: Senate received the following nominations:

Carl Shapiro, of California, to be a Member of the Council of Economic Advisers.

Routine lists in the Air Force, Army, and Navy. **Page S1022**

Messages from the House: **Pages S973–74**

Measures Placed on the Calendar: **Page S1022**

Measures Read the First Time: **Pages S974, S1022**

Executive Communications: **Pages S974–75**

Executive Reports of Committees: **Pages S975–76**

Additional Cosponsors: **Pages S976–77**

Additional Statements: **Page S973**

Amendments Submitted: **Pages S979–80**

Notices of Hearings/Meetings: **Page S980**

Authorities for Committees to Meet: **Page S980**

Privileges of the Floor: **Page S980**

Text of S. 223 as Previously Passed: **Pages S980–S1021**

Record Votes: One record vote was taken today. (Total—26) **Pages S955–56**

Adjournment: Senate convened at 2 p.m. and adjourned, as a further mark of respect to the memory of the late former Senator James Albertus McClure, in accordance with S. Res. 78, at 7:02 p.m., until 10 a.m. on Tuesday, March 1, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1022.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported an original resolution authorizing expenditures by the committee; and

The nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, David Lee Carden, of New York, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank of Ambassador, and Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development, and a routine list in the Foreign Service.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues: Senators Boxer (Chair), Menendez, Casey, Shaheen, Durbin, DeMint, Inhofe, Isakson, and Barrasso.

Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs: Senators Menendez (Chair), Boxer, Webb, Shaheen, Udall (NM), Rubio, Lee, DeMint, Isakson, and Barrasso.

Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection: Senators Cardin (Chair), Menendez, Coons, Durbin, Udall (NM), Corker, Rubio, Risch, and Inhofe.

Subcommittee on Near Eastern and South and Central Asian Affairs: Senators Casey (Chair), Boxer, Menendez, Cardin, Coons, Udall (NM), Risch, Corker, Lee, Rubio, and Isakson.

Subcommittee on East Asian and Pacific Affairs: Senators Webb (Chair), Boxer, Casey, Shaheen, Coons, Inhofe, Risch, Barrasso, and Rubio.

Subcommittee on European Affairs: Senators Shaheen (Chair), Cardin, Casey, Webb, Durbin, Barrasso, Risch, Corker, and DeMint.

Subcommittee on African Affairs: Senators Coons (Chair), Cardin, Webb, Durbin, Udall (NM), Isakson, Inhofe, Lee, and Corker.

Senators Kerry and Lugar are ex officio members of each subcommittee.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 825–844; and 24 resolutions, H.J. Res. 44; H. Con. Res. 20–23; and H. Res. 108–114, 116–127 were introduced. **Pages H1390–91**

Additional Cosponsors: **Page H1392**

Reports Filed: A report was filed on January 3, 2011 as follows:

Survey of Activities of the House Committee on Rules, 111th Congress (H. Rept. 111–714).

Reports were filed on February 22, 2011 as follows:

H.R. 4, to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes (H. Rept. 112–15);

H.R. 705, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes, with an amendment (H. Rept. 112–16).

Reports were filed today as follows:

H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (H. Rept. 112–17, Pt. 1);

H.R. 662, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs (H. Rept. 112–18, Pt. 1);

H. Res. 115 providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes (H. Rept. 112–19). **Pages H1389–90**

Speaker: Read a letter from the Speaker wherein he appointed Representative Latta to act as Speaker pro tempore for today. **Page H1365**

Chaplain: The prayer was offered by the guest chaplain, Reverend Gene Hemrick, Washington Theological Union, Washington DC. **Page H1365**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Federal Courts Jurisdiction and Venue Clarification Act of 2011: H.R. 394, amended, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, by a ⅔ yea-and-nay vote of 402 yeas with none voting "no", Roll No. 148; **Pages H1367–70, H1374–75**

Securing Aircraft Cockpits Against Lasers Act of 2011: H.R. 386, amended, to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes; **Pages H1370–71**

Removal Clarification Act of 2011: H.R. 368, amended, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, by a ⅔ yea-and-nay vote of 396 yeas to 4 nays, Roll No. 150; and **Pages H1371–72, H1375–76**

Federal Restricted Buildings and Grounds Improvement Act of 2011: H.R. 347, amended, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, by a ⅔ yea-and-nay vote of 399 yeas to 3 nays, Roll No. 149. **Pages H1372–73, H1375**

Recess: The House recessed at 2:45 p.m. and reconvened at 6:30 p.m. **Page H1374**

Member Resignation: Read a letter from Representative Harman, wherein she resigned as Representative for the Thirty-Sixth Congressional District of California, effective today. **Page H1374**

Whole Number of the House: The Speaker announced to the House that, in light of the resignation of the gentlewoman from California, Ms. Harman, the whole number of the House is adjusted to 433. **Page H1374**

Providing for a recess of the House for a joint meeting to receive The Honorable Julia Gillard, Prime Minister of Australia: Agreed by unanimous consent that it may be in order at any time on Wednesday, March 9, 2011 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting The Honorable Julia Gillard, Prime Minister of Australia. **Page H1376**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages 1374–75, H1375, H1375–76. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 8:11 p.m.

Committee Meetings

FEDERAL REGULATION ESTABLISHMENT REVIEW

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law held a hearing on the Administrative Procedure Act (APA) of 1946 at 65—Is Reform Needed to Create Jobs, Promote Economic Growth and Reduce Costs? Testimony was heard from Susan Dudley, Research Professor of Public Policy and Public Administration, Director, Regulatory Studies Center, the George Washington Institute of Public Policy; and public witnesses.

FURTHER CONTINUING APPROPRIATIONS

Committee on Rules: The Committee granted, by voice vote, a closed rule waiving all points of order against consideration of the joint resolution. The rule provides that the joint resolution shall be considered as read. The rule provides that all points of order against provisions in the joint resolution are waived. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule provides one motion to recommit. Testimony was heard from Chairman Harold Roger, Rep. Norm Dicks, and Delegate Eleanor Holmes Norton.

PRESIDENTIAL LIBRARIES

Committee on Transportation and Infrastructure, and the Committee on Oversight and Government Reform held a joint hearing on America's Presidential Libraries. Testimony was heard from the following officials of the National Archives and Records Administration: David S. Ferriero, Archivist of the United States; Thomas Putnam, Director, John F. Kennedy Presidential Library and Museum; R. Duke Blackwood, Director, Ronald Reagan Presidential Library; Thomas Schwartz, Historian, State of Illinois, Abraham Lincoln Presidential Library and Museum; and public witnesses.

COMMITTEE BUDGET

Committee on Ways and Means: Met and approved the Committee's budget for the 112th Congress.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D69)*

S. 188, to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the ''John M. Roll United States Courthouse''. Signed on February 17, 2011. (Public Law 112–2)

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. Signed on February 25, 2011. (Public Law 112–3)

COMMITTEE MEETINGS FOR TUESDAY, MARCH 1, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of Defense, to hold hearings to examine the impacts of a long-term continuing resolution on the Department of Defense and proposed budget estimates for fiscal year 2012 for the Department of Defense, 10:30 a.m., SD–192.

Committee on Armed Services: To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–106.

Full Committee, organizational business meeting to consider committee's rules of procedure for the 112th Congress, 4:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine the semiannual Monetary Policy Report to the Congress, 10 a.m., SH–216.

Committee on the Budget: To hold hearings to examine the President's proposed budget request for fiscal year 2012 for education, 10 a.m., SD–608.

Committee on Finance: To hold hearings to examine changes in the law and tax environment since the ''Tax Reform Act of 1986'', 10 a.m., SD–215.

Committee on Foreign Relations: To hold hearings to examine breaking the cycle of North Korean provocations, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine public relations contracts at the General Services Administration's Heartland Region, 10 a.m., SD–342.

Committee on Rules and Administration: Business meeting to mark up the Omnibus Budget for Senate committees, 10 a.m., SR–301.

Committee on Veterans' Affairs: To hold joint hearings to examine a legislative presentation from Disabled American Veterans, 2 p.m., 345, Cannon Building.

Select Committee on Intelligence: Closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

House Committees

Committee on Appropriations, March 1, Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Appropriations, on FY 2012 Budget Request, 10:30 a.m., 2362–A Rayburn.

March 1, Subcommittee on Commerce, Justice, Science and Related Agencies Appropriations, on FY 2012 Budget Request, 9 a.m., 2359 Rayburn.

March 1, Subcommittee on Energy and Water Development, and Related Agencies Appropriations, Department of Energy Weapons Activities FY 2012 Budget Request, 2362–B Rayburn.

March 1, Subcommittee on Financial Services and General Government Appropriations, on FY 2110 Budget, 10 a.m., H–309 Capitol.

March 1, Subcommittee on Interior, Environment, and Related Agencies Appropriations, on Major Management Challenges at the Department of the Interior, 9:30 a.m., and on Major Management Challenges at the U.S. Forest Service, 1 p.m., B–308 Rayburn.

March 2, Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Appropriations, on FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.

March 2, Subcommittee on Commerce, Justice, Science, and Related Agencies Appropriations, on Patent and Trademark Office FY 2010 Budget Request, 10 a.m., H–309 Capitol.

March 2, Subcommittee on Defense, on Department of Defense Budget Review, 10 a.m., 2359 Rayburn.

March 2, Subcommittee on Energy and Water Development, and Related Agencies Appropriations, on Department of Energy, Defense Nuclear Nonproliferation and Naval Reactors FY 2012 Budget Requests, 10 a.m., 2362–B Rayburn.

March 2, Subcommittee on Financial Services and General Government Appropriations, on Election Assistance Commission, 10 a.m., H–140 Capitol.

March 2, Subcommittee on Homeland Security Appropriations, on Department of Homeland Security, 2 p.m., 2359 Rayburn.

March 2, Subcommittee on Interior, Environment, and Related Agencies Appropriations, on Major Management Challenges at the EPA, 9:30 a.m., B–308 Rayburn.

March 2, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies Appropriations, on FY 2012 Budget Request, 2 p.m., H–140 Capitol.

March 3, Subcommittee on Commerce, Justice, Science, and Related Agencies Appropriations, on NASA FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.

March 3, Subcommittee on Interior, Environment, and Related Agencies Appropriations, oversight hearing on FY 2012 Budget Oversight, 9:30 a.m., 2359 Rayburn.

March 3, Subcommittee on State, Foreign Operations and Related Agencies Appropriations, oversight sight of the State Department and foreign operations programs, 1 p.m., 2359 Rayburn.

Committee on Armed Services, March 1, hearing on the FY 2012 national defense authorization budget request from the Department of the Navy, 10 a.m., 2118 Rayburn.

March 1, Subcommittee on Emerging Threats and Capabilities, hearing on the FY 2012 national defense authorization budget request for the Department of Defense science and Technology programs, 3 p.m., 2212 Rayburn.

March 1, Subcommittee on Tactical Air and Land Forces, hearing on equipping the warfighter in Afghanistan, 3:30 p.m., 2118 Rayburn.

March 2, full Committee, hearing on the FY 2012 national defense authorization budget request from the Department of the Army, 10 a.m., 2118 Rayburn.

March 2, Subcommittee on Strategic Forces, hearing on the status of U.S. Strategic Forces, 3:30 p.m., 2118 Rayburn.

March 3, full Committee, hearing on the FY 2012 on national defense authorization budget requests from the U.S. Central Command and the U.S. Special Operations Command, 1 p.m., 2118 Rayburn.

March 3, Subcommittee on Readiness, hearing on Are We Ready? An Independent Look at the Required Readiness Posture of U.S. Forces, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, March 1, hearing on Education Regulations: Weighing the Burden on Schools and Students, 10 a.m., 2175 Rayburn.

March 3, Subcommittee on Workforce Protections, hearing on Examining Recent Regulatory and Enforcement Actions of the Mine Safety and Health Administration, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, March 1, hearing entitled ''The Consequences of Obamacare: Impact on Medicaid and State Health Care Reform,'' 9:45 a.m., 2123 Rayburn.

March 1, Subcommittee on Energy and Power, hearing entitled ''EPA's Greenhouse Gas Regulations and Their Effect on American Jobs,'' 1 p.m., 2322 Rayburn.

March 2, Subcommittee on Communications and Technology, to mark up H.J. Res. 37, Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices, 9:30 a.m., 2123 Rayburn.

March 2, Subcommittee on Oversight and Investigations, hearing entitled ''Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid,'' 10 a.m., 2322 Rayburn.

March 3, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Made in America: Innovations in Job Creation and Economic Growth,'' 10 a.m., 2322 Rayburn.

March 3, Subcommittee on Health, hearing entitled ''FY 2012 HHS Budget and the Implementation of Public Laws 111–148 and 111–152,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, March 1, hearing entitled ''Mortgage Finance Reform: An Examination of the Obama Administration's Report to Congress,'' 10 a.m., followed by an oversight hearing of the Department of Housing and Urban Development, including the Department's budget request for FY 2012, 2 p.m., 2128 Rayburn.

March 2, hearing on monetary policy and the state of the economy, 10 a.m., 2128 Rayburn.

March 2, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''The Effect of Dodd-

Frank on Small Financial Institutions and Small Businesses,'' 2 p.m., 2128 Rayburn.

March 2, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''Legislative Proposals to End Taxpayer Funding for Ineffective Foreclosure Mitigation Programs,'' 2 p.m., 2220 Rayburn.

March 3, full Committee, to consider the following measures: the HAMP Termination Act; the FHA Refinance Program Termination Act; the NSP Termination Act; and the Emergency Mortgage Relief Program Termination Act, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, March 1, hearing on Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges, 10 a.m., 2172 Rayburn.

March 3, hearing on Reforming the United Nations: Lessons Learned, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, March 2, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Terrorist Threat to the U.S. Homeland—Al Qaeda in the Arabian Peninsula (AQAP),'' 10 a.m., 311 Cannon.

March 3, full Committee, hearing entitled ''The President's FY 2012 Budget Request for the Department of Homeland Security,'' 10 a.m., 311 Cannon.

Committee on House Administration, March 1 and March 2, hearings on Committee Funding for the 112th Congress, 10:30 a.m., 1310 Longworth.

Committee on the Judiciary, March 1, Subcommittee on Immigration Policy and Enforcement, hearing on Making Immigration Work for American Minorities, 10 a.m., 2141 Rayburn.

March 1, Subcommittee on Intellectual Property, Competition and the Internet, hearing on Oversight of the Office of the U.S. Intellectual Property Enforcement Coordinator, 1:30 p.m., 2141 Rayburn.

Committee on Natural Resources, March 1, oversight hearing on the Impact of the Administration's Wild Lands Order on Jobs and Economic Growth, 2 p.m., 1324 Longworth.

March 2, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, oversight hearing on the Department of the Interior spending for the U.S. Fish and Wildlife Service and the Office of Insular Affairs and the President's Fiscal Year 2012 budget request for the U.S. Fish and Wildlife Service and the Office of Insular Affairs, 10 a.m., 1334 Longworth.

March 2, Subcommittee on Water and Power, oversight hearing on examining the spending, priorities and the missions of the Bureau of Reclamation and the U.S. Geological Survey's Water Resources program, 10 a.m., 1324 Longworth.

March 3, full Committee, oversight hearing on Department of Interior Spending and the President's Fiscal Year 2012 Budget Proposal, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, March 1, Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing on the DC Opportunity Scholarship Program: Keeping the Door Open, 9:30 a.m., 2154 Rayburn.

March 2, Subcommittee on National Security, Homeland Defense, and Foreign Operations, hearing on U.S. Military Leaving Iraq: Is the State Department Ready? 10:30 a.m., 2154 Rayburn.

March 2, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing on Pushing the Envelope: The Looming Crisis at USPS, 1:30 p.m., 2154 Rayburn.

March 3, full Committee, hearing on the Refuse of the Federal Spending Binge: How U.S. Taxpayers are Paying Double for Failing Government Programs, 9:30 a.m., 2154 Rayburn.

Committee on Rules, March 1, to consider the following bills: H.R. 662 Surface Transportation Extension Act of 2011; and H.R. 4 Small Business Paperwork Mandate Elimination Act of 2011, 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, March 2, hearing on the National Aeronautics and Space Administration FY 2012 Budget Request, 10 a.m., 2318 Rayburn.

March 3, hearing on the Department of Energy FY 2012 Research and Development Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 2, hearing on the Small Business Administration FY 2012 Budget Request, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 1, Subcommittee on Coast Guard and Maritime Transportation, hearing on a Review of the Administration's FY 2012 Budget Requests for the U.S. Coast Guard, Federal Maritime Commission, and Federal Maritime Administration; Finding Ways to do More with Less, 10 a.m., 2167 Rayburn.

March 2, Subcommittee on Water Resources and Environment, hearing on Review of the FY 2010 Budget and Priorities of the Environmental Protection Agency: Impacts on Jobs, Liberty, and the Economy, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 3, Subcommittee on Economic Opportunity, hearing on Veterans Employment and Training Service's Budget and State Grant Program, 10 a.m., 334 Canon.

Committee on Ways and Means, March 3, Subcommittee on Select Revenue Measures, to meet for organizational purposes; followed by a hearing on Small Businesses and Tax Reform, 9 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 3, executive, on Ongoing Intelligence Activities, 10 a.m., 304–HVC.

CONGRESSIONAL PROGRAM AHEAD

Week of March 1 through March 5, 2011

Senate Chamber

On *Tuesday*, at approximately 11 a.m., Senate will continue consideration of S. 23, Patent Reform Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: March 3, to hold an oversight hearing to examine the implementation of Title VII of the ''Wall Street Reform and Consumer Protection Act'', 2:30 p.m., SR–328A.

Committee on Appropriations: March 1, Subcommittee on Department of Defense, to hold hearings to examine the impacts of a long-term continuing resolution on the Department of Defense and proposed budget estimates for fiscal year 2012 for the Department of Defense, 10:30 a.m., SD–192.

March 2, Subcommittee on Department of Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Homeland Security, 10 a.m., SD–138.

March 2, Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of State and Foreign Operations, 2 p.m., SD–192.

March 3, Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Housing and Urban Development, 10 a.m., SD–138.

March 3, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Office of the Architect of the Capitol, and the Office of Compliance, 2:30 p.m., SD–138.

Committee on Armed Services: March 1, to hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–106.

March 1, Full Committee, organizational business meeting to consider committee's rules of procedure for the 112th Congress, 4:30 p.m., SR–222.

March 3, Full Committee, to hold hearings to examine the nomination of General Martin E. Dempsey, USA for reappointment to the grade of general and to be Chief of Staff, United States Army, Department of Defense, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: March 1, to hold hearings to examine the semiannual Monetary Policy Report to the Congress, 10 a.m., SH–216.

Committee on the Budget: March 1, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for education, 10 a.m., SD–608.

March 2, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Energy, 10 a.m., SD–608.

March 3, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: March 2, to hold hearings to examine the future of American manufacturing, focusing on maintaining America's competitive edge, 10 a.m., SR–253.

Committee on Energy and Natural Resources: March 2, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior, 10 a.m., SD–366.

March 3, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service, 9:30 a.m., SD–366.

Committee on Environment and Public Works: March 2, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Environmental Protection Agency, 2:30 p.m., SD–406.

Committee on Finance: March 1, to hold hearings to examine changes in the law and tax environment since the ''Tax Reform Act of 1986'', 10 a.m., SD–215.

March 2, Full Committee, to hold hearings to examine preventing health care fraud, focusing on new tools and approaches to combat old challenges, 10 a.m., SD–215.

Committee on Foreign Relations: March 1, to hold hearings to examine breaking the cycle of North Korean provocations, 10 a.m., SD–419.

March 2, Full Committee, to hold hearings to examine national security and foreign policy priorities in the fiscal year 2012 International Affairs Budget, 9:30 a.m., SD–106.

March 3, Full Committee, to hold hearings to examine navigating a turbulent global economy, focusing on implications for the United States, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: March 2, to hold hearings to examine improving employment opportunities for people with intellectual disabilities, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: March 1, Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine public relations contracts at the General Services Administration's Heartland Region, 10 a.m., SD–342.

March 2, Full Committee, to hold hearings to examine eliminating bottlenecks, focusing on streamlining the nominations process, 10 a.m., SD–342.

March 2, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine preventing abuse of the Military's Tuition Assistance Program, 2:30 p.m., SD–342.

Committee on the Judiciary: March 2, to hold hearings to examine helping law enforcement find missing children, 10 a.m., SD–226.

March 2, Full Committee, to hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, and Claire C. Cecchi, and Esther Salas, both to be United States District Judge for the District of New Jersey, 3 p.m., SD–226.

March 3, Full Committee, business meeting to consider S. 193, to extend the sunset of certain provisions of the

USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, S. 222, to limit investor and homeowner losses in foreclosures, and the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Mae A. D'Agostino, to be United States District Judge for the Northern District of New York, Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, 10 a.m., SD–226.

Committee on Rules and Administration: March 1, business meeting to mark up the Omnibus Budget for Senate committees, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: March 3, to hold hearings to examine exploring minority access to capital and contracting opportunities, 10 a.m., SR–428A.

Committee on Veterans' Affairs: March 1, to hold joint hearings to examine a legislative presentation from Disabled American Veterans, 2 p.m., 345, Cannon Building.

March 2, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012, 10:30 a.m., SR–418.

Select Committee on Intelligence: March 1, closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

March 3, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: March 2, to hold hearings to examine ending elder abuse, neglect and financial exploitation, 2 p.m., SD–106.

Joint Meetings

Joint Economic Committee: March 4, to hold hearings to examine the employment situation for February 2011, 9:30 a.m., SH–216.

Next Meeting of the SENATE

10 a.m., Tuesday, March 1

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 23, Patent Reform Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, March 1

Chamber

Program for Tuesday: Consideration of H.J. Res. 44—Making further continuing appropriations for fiscal year 2011 (Subject to a Rule).

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