

Conyers	Kaptur	Rangel
Cooper	Keating	Rehberg
Costa	Kildee	Reichert
Costello	Kind	Renacci
Courtney	King (NY)	Reyes
Crawford	Kissell	Richardson
Critz	Kucinich	Rivera
Crowley	Lance	Ros-Lehtinen
Cummings	Langevin	Ross (AR)
Davis (CA)	Larsen (WA)	Rothman (NJ)
Davis (IL)	Larson (CT)	Roybal-Allard
Davis (KY)	LaTourette	Ruppersberger
DeFazio	Lee (CA)	Rush
DeGette	Levin	Ryan (OH)
DeLauro	Lewis (GA)	Sánchez, Linda
Dent	Lipinski	T.
Deutch	LoBiondo	Sanchez, Loretta
Diaz-Balart	Loeb	Sarbanes
Dicks	Lofgren, Zoe	Schakowsky
Dingell	Lowe	Schiff
Doggett	Lujan	Schrader
Donnelly (IN)	Lynch	Schwartz
Doyle	Maloney	Scott (VA)
Edwards	Manzullo	Scott, David
Ellison	Markey	Serrano
Emerson	Matheson	Sewell
Engel	Matsui	Sherman
Eshoo	McCarthy (NY)	Shimkus
Farr	McCollum	Shuler
Filner	McCotter	Sires
Fitzpatrick	McDermott	Slaughter
Frank (MA)	McGovern	Smith (NJ)
Fudge	McKinley	Smith (WA)
Garamendi	McNerney	Speier
Gibbs	Meehan	Stark
Gibson	Meeks	Stivers
Gonzalez	Michaud	Sutton
Graves (MO)	Miller (MI)	Terry
Green, Al	Miller (NC)	Thompson (CA)
Green, Gene	Miller, George	Thompson (MS)
Grijalva	Moore	Tiberi
Grimm	Moran	Tierney
Gutierrez	Murphy (CT)	Tonko
Hanabusa	Murphy (PA)	Towns
Hastings (FL)	Nadler	Tsongas
Heinrich	Napolitano	Turner
Higgins	Neal	Van Hollen
Himes	Olver	Velázquez
Hinchey	Owens	Visclosky
Hinojosa	Pallone	Walz (MN)
Hirono	Pascarella	Wasserman
Holden	Pastor (AZ)	Schultz
Holt	Payne	Waters
Honda	Pelosi	Watt
Hoyer	Perlmutter	Waxman
Hultgren	Peters	Weiner
Inslee	Peterson	Welch
Israel	Pingree (ME)	Wilson (FL)
Jackson (IL)	Platts	Wolf
Jackson Lee	Polis	Woolsey
(TX)	Posey	Wu
Johnson (GA)	Price (NC)	Yarmuth
Johnson (IL)	Quigley	Young (AK)
Johnson, E. B.	Rahall	

NOT VOTING—10

Barton (TX)	Fattah	Myrick
Bishop (UT)	Frelinghuysen	Richmond
Burton (IN)	Gerlach	
Campbell	Giffords	

□ 1911

Mr. CHABOT and Ms. HERRERA BEUTLER changed their vote from "no" to "aye."

So amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Chair, I was unavoidably detained during the last series of rollcall votes. Had I been here, I would have voted "yea" on rollcall vote 207 (Mica Amendment); "nay" on rollcall vote 208 (Garrett Amendment); "nay" on rollcall vote 209 (DeFazio Amendment); "nay" on rollcall vote 210 (Hirono Amendment); "nay" on rollcall vote 211 (Capuano Amendment); and "aye" on rollcall vote 212 (Gingrey Amendment).

Mr. WOODALL. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

FLEISCHMANN) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUT-DOWN PREVENTION ACT OF 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-49) on the resolution (H. Res. 194) providing for consideration of the bill (H.R. 1255) to prevent a shut-down of the government of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1081

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Mrs. ELLMERS) be removed as a cosponsor from H.R. 1081.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

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

Mr. WOODALL. Mr. Speaker, the Committee on Rules is scheduled to meet the week of April 4 to grant a rule, which could limit the amendment process for floor consideration of H.R. 910, the Energy Tax Prevention Act of 2011.

Any Member wishing to offer an amendment must submit an electronic copy of the amendment and a description via the Rules Committee's Web site. Members must also submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment log-in form to the Rules Committee in room H-312 of the Capitol by 10 a.m. on Tuesday, April 5, 2011. Both electronic and hard copies must be received by the date and time specified. Members should draft their amendments to the text of the bills as ordered reported by the Committee on Energy and Commerce, which are available on the Rules Committee Web site.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Office of the Parliamentarian, the Committee on the Budget, and the Congressional Budget Office to be certain their amendments comply with the rules of the House and the Congressional Budget Act.

If Members have any questions, Mr. Speaker, I would encourage Members to contact me or members of the Rules Committee staff.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 112-46, offered by the gentleman from Georgia (Mr. GINGREY), had been disposed of.

AMENDMENT NO. 19 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 234, after line 1, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):
SEC. 801. STATE TAXATION.

Section 40116(d)(2)(A)(iv) is amended to read as follows:

"(iv) levy or collect a tax, fee, or charge, first taking effect after the date of enactment of the FAA Reauthorization and Reform Act of 2011, upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge that is—

"(I) generally imposed on sales or services by that jurisdiction; or

"(II) utilized for purposes specified under section 47107(b)."

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman

from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I would first like to start out by saying that I appreciate the Rules Committee making this amendment in order. And while I am going to withdraw the amendment, I think it's very important to talk about this because it's a very important aspect of the Interstate Commerce Act.

Just to give you a little bit of background, in 1994 when we were doing the FAA reauthorization bill, Congress recognized the importance of airports to interstate commerce and enacted legislation to prevent State and local governments from imposing discriminatory taxes on airport users to fund local projects unrelated to airport infrastructure improvement, maintenance, and operations.

However, for nearly 20 years, State and local governments have taken advantage of a loophole by applying the burden of the tax not only to airport users but all similar entities within that taxing jurisdiction. This has allowed State and local governments to completely circumvent the intent of Congress and levy discriminatory taxes against interstate travelers, in particular, rental car customers.

The intent of the 1994 law is very clear. Targeted taxes imposed at airports are to be used at airports for airport-related projects. We must not continue to allow State and local governments from circumventing these restrictions.

Right now, Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. GRAVES. I appreciate your yielding time and I appreciate your bringing this amendment.

I rise in strong support of the concept in the amendment. Although I know it's going to be withdrawn, the concept is important, and we need to address this issue in this Congress.

This amendment would address the going crisis of discriminatory taxes placed on rental car transactions. I don't need to tell my colleagues how frustrating it is to go rent a car and see huge taxes on your bill, taxes put on your bill by legislative bodies that you don't get a right to vote on most of the time and that you don't get to vote on.

It's a simple thing for people to do. It's cheap taxes from State and local officials to let tourists pay their taxes for their sports arenas and other facilities. "Don't tax me; don't tax thee; tax that guy behind that tree." That is not the kind of tax philosophy we should encourage, and we should make our State and local officials do taxation in the proper manner which is supposed to be with either property taxes or sales taxes or income taxes but not these

types of taxes that discriminate. And my jurisdictions have done as well, but it doesn't make it right.

Rental car taxes target air travelers, but they also hurt low-income people who don't own cars and must rent instead. The 1994 FAA reauthorization bill included a provision to prevent taxes targeting air travelers to pay for projects that have nothing to do with air traffic. But State and local governments have exploited a loophole and raised billions of dollars through these taxes.

Since 1990, more than 117 discriminatory rental car excise taxes have been enacted in 43 States and the District of Columbia. I was in the Tennessee Legislature for 24 years, and we did our share. I tried to oppose some of them.

□ 1920

It's wrong and we need to act.

So I urge support for the amendment when it comes back up. I thank Congressman GRAVES for his work on the issues, and I look forward to working with him in the future to see this become a law in our Nation.

Mr. MICA. I rise in opposition to the amendment.

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

Mr. MICA. I do rise in opposition to the amendment.

Both the gentleman from Tennessee and the distinguished gentleman from Missouri have raised some excellent points about excessive fees that some of the unsuspecting renters are forced to pay sometimes.

When you rent a car, sometimes the fees look like more than the car rental; but many of the communities and airports are committed to building facilities. They make those decisions through elected local and State bodies, and we have to recognize some of their independence.

I appreciate the goal of the gentleman on this amendment. I believe he is going to withdraw it, but I do pledge to work with him to see how we can put in some limitations in the future that are reasonable and not impair the proper development and also take the burden off taxpayers for improvement that someone who comes in and rents a car experiences. A lot of local taxpayers end up footing some of the bill for the conveniences that are accorded some of these visitors and car renters. So we need to seek a proper balance, and I pledge to work with the gentlemen in that regard, both Mr. GRAVES and Mr. COHEN.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. GRAVES of Missouri. Mr. Chairman, in closing, I want to thank the Rules Committee for making this amendment in order. I very much want to thank the chairman for his willingness to work with us on this issue in the future, and I look forward to that.

With that, Mr. Chairman, I withdraw my amendment.

The Acting CHAIR. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

AMENDMENT NO. 20 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112-46.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act"), with respect to any project or program funded under this Act (or amendment).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Thank you, Mr. Chairman.

My amendment would prevent any funding within the FAA Reauthorization and Reform Act of 2011 to be used to administer or enforce the Davis-Bacon wage rate requirements with respect to any project or program in the underlying text or any amendment adopted today.

Since the Davis-Bacon Act was signed into law in 1931, labor rates for government contracts have been inflated significantly, affecting the cost of administrative expenditures for those awarded projects. Unfortunately, the Davis-Bacon requirement has inadvertently caused the government to pass higher costs on to American taxpayers, often costing 5 to 38 percent more than the project would have cost in the private sector, according to the Associated Builders and Contractors. The Congressional Budget Office has stated that the Davis-Bacon Act has cost our government more than \$9.5 billion from 2002 to 2011.

I say enough is enough. We must reevaluate and look at what we are doing that costs more money for the government and, ultimately, the taxpayers. We must stop passing this financial burden on the backs of hardworking American taxpayers. In this year alone, the Heritage Foundation has estimated that the Davis-Bacon Act will add more than \$10.9 billion to our already burdensome national debt. The American people sent a strong message to Congress in the last election, that it was time to rein in out-of-control government spending. Congress can ensure their voices are heard by voting "yes" on this commonsense attempt today.

In 2009, the Public Policy Foundation of West Virginia released a study stating that as many as 1,500 construction jobs could have been created if these wage regulations were repealed or reformed to reflect actual market-based wages. During our current economic times, as tough as they are that this Nation is facing, we need to make sure that it is easier for the private sector to create jobs for the unemployed, not to hinder job growth.

Davis-Bacon requirements undercut and undermine the hard-earned work of small business owners because of the time-consuming and costly requirements of Davis-Bacon. Businesses have constantly expressed frustration over the difficulty of complying with the wage rules of Davis-Bacon. As a result, large and often unionized companies have been awarded more government contracts that come at a higher price to taxpayers.

I urge all of my colleagues to support this amendment, which ensures small and large businesses have the ability to compete for all government contracts while saving the American taxpayers tens of billions of dollars. Mr. Chairman, this is exactly what the American people want and need—a better deal in the marketplace.

I reserve the balance of my time.

Mr. RAHALL. I rise in vehement opposition to the amendment.

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

Mr. RAHALL. Mr. Chairman, here we go again.

The majority is continuing what started out in some of the States this year and has been going on with more vehemency in this body. They are continuing attacks on the collective bargaining rights of workers. They are continuing to blame the workers of this country for the economic ills.

I think it's worth noting that the gentleman from Texas just noted the trouble that people have had complying with Davis-Bacon over the years. It has been around since 1931 when two Republicans by the names of Davis and Bacon instituted the Davis-Bacon law.

Study after study has shown that, despite the opponents' claims, the Davis-Bacon Act has had little or no effect on the total cost of federally assisted construction projects. In fact, there is a study that shows that the high-wage States actually attract more productive, effective, highly skilled, and safe workers, making the cost per mile of highway construction actually cheaper in high-wage States than in low-wage States.

It's important to note as well that here we are in an economic recovery, and these Republican continued attacks on our workers of this country at a time when we are slowly, however slowly, pulling out of a recession and entering a recovery do not make any sense at all.

I would urge my colleagues to oppose this continued attack on the workers' rights of this country.

I yield the remainder of my time to the gentleman from Illinois (Mr. COSTELLO).

The Acting CHAIR. Without objection, the gentleman will control 3½ minutes.

There was no objection.

Mr. COSTELLO. I thank the ranking member for yielding.

Mr. Chairman, I rise in strong opposition to the amendment of my friend from Texas.

As Mr. RAHALL just stated, for nearly 80 years, the Davis-Bacon Act has guaranteed fairness in wages and conditions for Americans who serve the public good and perform public works for the Federal Government. At a time when so many Americans are out of work and under financial stress, this amendment would strip away workers' rights to just compensation for their labor that directly benefits all of us by keeping aviation infrastructure across the Nation working safely. Further, the amendment would likely make it difficult for FAA contractors to find skilled workers who have the expertise necessary to perform work on complicated safety-critical facilities and equipment.

Mr. Chairman, I urge my colleagues to vote "no" on the gentleman's amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Chairman, it is just absolutely astonishing to me that my colleagues on the other side of this issue could stand up on the floor of this House and talk about jobs when the Davis-Bacon wages that they want to perpetuate, even though they've existed for 10 these many years, take away so many jobs. I don't know the exact statistics; but Mr. Chairman, when you look at a jobs situation without Davis-Bacon rules, you're able to probably employ 1½ to 2 times as many people with good-paying, decent-paying jobs than jobs that pay them for their skill levels and what they're doing in the workplace, in not being forced to pay these much higher wages despite the job that it happens to be involved in.

□ 1930

I think we ought to be paying for whatever the skill labor is for that particular job, and if we didn't have these rules and regulations like Davis-Bacon, there would be a heck of a lot more jobs in this country. We can't afford to leave 16 million people on the sidewalk.

Mr. COSTELLO. I continue to reserve the balance of my time.

Mr. SESSIONS. I yield myself the balance of my time.

Mr. Chairman, the gentleman from Georgia is correct. On an average, this Davis-Bacon wage requirement costs an average of 22 percent above market wages. That means that the Davis-Bacon act costs 22 percent or more on

costs for getting projects done, which means fewer projects can get done, which hampers the ability that we have, local governments have to ensure that contractors and work is done across this country.

This amendment saves taxpayers millions of dollars—we heard perhaps a billion. It allows for more competition, and I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, at this time, I yield the balance of my time to the ranking member of the full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I guess this is part of the mantra of the majority on this particular bill: do more with less, when actually what we're doing is less with less, because there would be less wages paid to our American workers if this amendment were to be adopted, and there would be less safety provided to our American workers. There would be less health care coverage provided, less pension care coverage, less efficient, less highly skilled workers if this gentleman's amendment is adopted.

So I conclude by urging all of our colleagues to oppose this amendment.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

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

AMENDMENT NO. 21 OFFERED BY MR. LATOURETTE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 112-46.

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 259, strike line 21 and all that follows through line 2 on page 260 (and conform the table of contents accordingly).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, before I begin my remarks, I ask unanimous consent that 2 minutes of my 5 minutes be yielded to and controlled by the distinguished ranking member of the subcommittee, the gentleman from Illinois, to yield time as he should see fit.

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

There was no objection.

Mr. LATOURETTE. I'm going to be brief in this opening.

Let me just make this observation. This is the 17th extension, I believe, of the FAA bill. We haven't had an FAA bill since 2003, and this is going to take it to two more years because the President said he won't sign this bill unless this amendment is adopted. The Senate has declared this a nonstarter; and so if we want to give fancy speeches, and for those just tuning in around the country, welcome to whack the union night because this will be a fourth, fifth anti-union vote that has nothing to do with the aviation system.

Even on the last amendment, I've got to tell you, you can't say it costs jobs and increases costs at the same time. If you hire the same amount of workers before Davis-Bacon and hire two times as many workers, well, the project is going to cost the same. So it's that kind of circular argument that's leading this circular firing squad.

It's a good amendment. I urge its adoption.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I agree with the points made by my friend from Ohio.

The National Mediation Board made the right decision, incidentally, at the request of 191 Members of Congress, both Democrats and Republicans, after holding many hearings. In the words of Congresswoman CANDICE MILLER: "This is not a pro-union or anti-union vote. This is about fairness."

I urge a "yes" vote.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

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

Mr. MICA. Unfortunately, I have to strongly disagree with my good friends and colleagues, the gentleman from Ohio and the gentleman from Illinois, on this amendment.

What's proposed as fairness is really probably the height of unfairness. We've had 75 years of rule and law in which to organize. In the transportation sector, you had to have a majority of all of the individuals that worked there, all the people that would be potential members, and a majority of those folks would have to vote in the union, and I have no problem with union representation. The President packed the board of the National Mediation Board, and on a 2-1 vote, they changed 75 years of ruling.

Now, what's particularly unfair, and the dirty little secret in all this is, they didn't change it to decertify to shed the union. They left it so you still have to have all majority plus one of all of the members. So this is not fair by any means. We should allow unionization. We should allow votes of it; but for those again who are affected who have to pay the dues, who have to abide by the union rules and regulations that they set, it's not fair.

So I wish this was crafted in a different way for fairness, but it's not. So, again, they upset 75 years in which it worked very well. In fact, they told me today that under the 75 years, you had a larger number than most recent votes under this rule. I think it's 50 percent to 70 percent, something like that. So, if you really want to favor unionization in a fair way, let's have it the way it worked for many years and oppose this amendment.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself 15 seconds just to say this is a good example of what's going on here. The last amendment was going to repeal Davis-Bacon that's been around for 80 years, but 80 years is okay. 75 years isn't. That doesn't even make sense in this debate or anywhere else in America.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield the balance of my time to the ranking member, Mr. RAHALL.

The Acting CHAIR. The gentleman from West Virginia is recognized for 1½ minutes.

Mr. RAHALL. Mr. Chairman, it's very clear that the other body would not accept this amendment if the bill goes over to them with this in it. It's clear that the President of the United States would not accept this bill with the current language because he has already said he will veto it if it comes to his desk in this way.

So I guess the proponents of this particular provision are just wanting to continue to pass extension after extension, thereby threatening airport improvement, threatening to halt airport construction, just as they're threatening to shut down our government.

It's not about unions. It's not about increasing union representation. It's about fairness. It's about what's right for the American worker. That's all we're talking about in this particular amendment.

Mr. Chair, this amendment is about what's right for American workers.

Section 903 of the bill repeals a rule of the National Mediation Board, which is the law of the land, that was finalized to provide for fair and democratic union elections among airline and railroad workers.

The rule has not opened the floodgates to unionization. But it has made union elections fair.

Under the prior rule—the rule that would be reinstated by this bill—a majority of all eligible voters had to vote in favor of a union, in order for that union to be certified by the National Mediation Board as their representative. That was undemocratic and unfair.

The current rule requires the mediation board to count ballots according to those who actually voted. The majority rules. That is a precept of our democracy, and it should control in union elections just like it controls in any other election.

The National Mediation Board's rule is right, and I urge my colleagues to support this amendment to keep it the law of the land.

I would yield the balance of my time to the gentleman from California (Mr. MILLER).

The Acting CHAIR. The gentleman from California is recognized for 45 seconds.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise in strong support of this amendment. This amendment really restores democracy to the American workplace, and it restores the American principle of majority vote and majority rule. The decision by the National Mediation Board to begin recognizing election results based upon who actually votes in the election is correct and a long time coming.

It was a fair and open process that included a 60-day comment period and public hearing with 34 witnesses, and their actions were upheld in court.

Think of this in our committee. Our rules are a majority of those present and voting. No committee in this Congress would operate under these rules because they would not be able to prevail on any of the votes because people could just stay away and they would be counted "no."

No PTA would operate under these rules. They may have a very large membership. So we ought to restore democracy, protect American workers and vote for this amendment.

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

Mr. MICA. I am pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of T&I for yielding to me.

The language in the bill gets it exactly right, and I rise in strong opposition to this striking amendment. The National Mediation Board, three political appointees in a 2-1 decision a year ago, undid 75 years of law, Railway Labor Act, that simply says that to certify a union, 50 percent plus one of the group has to vote in favor of it.

□ 1940

And as the chairman said, the decertification part is a much higher bar. So it has to be a majority plus one to decertify. That is totally wrong. The bill has it right. Vote against this striking amendment, and vote for fairness and for the American people.

The Acting CHAIR. The gentleman from Ohio has 1¾ minutes remaining. The gentleman from Florida has 1½ minutes remaining. The time of the gentleman from Illinois has expired.

Mr. MICA. I would be pleased to yield 1 minute to the gentleman from Wisconsin (Mr. PETRI), the distinguished chair of the Aviation Subcommittee.

Mr. PETRI. I thank my colleague for yielding.

I am just sitting here, listening to this debate and people talking about fairness and 75 years. I did a little math, and 75 years ago, the Railway Labor Act was enacted by a very heavily Democratic Congress in the Franklin D. Roosevelt administration. And now we are told that they were unfair and unkind, and so on, to organized

labor. This is something that was passed by the Congress. The law, the National Labor Relations Act, has always—until now, for 75 years—been interpreted to mean that a majority of those affected had to vote to certify a union.

I think if we want to change it, if our sense of what's fair has changed over the last 75 years—and it has in other areas—it should be done by an act of Congress and not by the National Labor Relations Board and the National Mediation Board in this fashion. It clearly upsets the balance that was struck and has served us well for several generations.

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

When people read this record, they really need to know what this amendment is about and what we are talking about. What we are talking about is that the rule that the Mica bill repeals is that if you have 100 people who work for a company and you have an election and 70 of them show up and 65 of them vote to certify a union, the union loses because you don't get 50 plus the universe.

Now in our example, Members of Congress, where voter turnout was about 45 percent in the last election, I have got 200,000 registered voters in my district, and 100,000 show up, I get 70,000. I'm having champagne. You know, This is great, Honey. We won another one. We fooled them again. Well, I would lose 130,000–70,000 because the rule that has been in place since 1935—and again, I am saddened that folks—maybe you have to have an even number to be bad law. But good law is, you know, something that is only 75 years. That's just nuts. I mean, that is crazy.

And I will steal from my friend from Illinois (Mr. COSTELLO) who is the co-sponsor of this amendment. You know, when the Constitution was framed, who could vote in this country? White guys who owned land. And if you asked them 75 years later, they may have said, Man, I can't believe they changed that. It's unbelievable. Or how about women? Another 100 years, women couldn't vote in this country. If you asked some guys today, they may say, The country really got screwed up when you gave women the right to vote. That is a non sequitur. It's a false argument, and the best proof is right here in this House of Representatives.

When the old majority was on their way out—and we all know they didn't do anything—we needed to pass a continuing resolution to keep the government open until March 4. Well, you know what, 75 of our Members went home for Christmas. So that CR, to keep the government open, passed 193–165. If the Mica rule is kept in place, the government would have shut down, and we would have lost that vote 193–240.

Please pass the amendment.

Mr. MICA. In closing, the President has threatened to veto this legislation

because of the provision that we have. I can see why, because he packed the board. He packed the board. And on a 2–1 vote they overwrote a provision that was put in by FDR, confirmed by Truman and Carter and others. And then we heard that this is an assault on democracy. Well, folks, have you ever seen one-way democracy so the vote going in is fixed, but the vote going out is left the same? Please, folks, this is not the case. I urge a “no” vote on this amendment.

Ms. HIRONO. Mr. Chair, I rise today in support of the bipartisan LaTourrette-Costello amendment to keep democratic voting rights for air and rail workers.

I see the current provision in the FAA Reauthorization Bill as reflecting an anti-worker agenda that abandons our most basic democratic principles. Without this amendment, the FAA bill would count workers who choose not to vote in a union election as a no vote on union representation.

Each member of the House of Representatives got here through a fair and democratic election. In November, our states counted the votes for us and compared it to the votes for other candidates. Those with the most votes in November are Members of Congress today. If we needed to win a majority or plurality of all eligible voters—including nonvoters—none of us would be here today!

I know that not all members of the House support workers' right to organize, but I would hope we all respect the democratic process. I applaud this bipartisan amendment and thank its sponsors, Mr. LATOURETTE and Mr. COSTELLO. I urge all my colleagues to support the amendment.

Mr. KUCINICH. Mr. Chair, I rise in strong support of the amendment offered by Representatives LATOURETTE and COSTELLO, which would strike section 903 of the underlying bill. This amendment removes language from the legislation which is unnecessary and destructive, and if it is not removed, would represent a continuation of the sustained attack on employee unions—and by extension, the Middle and Working class—that has been taking place in America. If the language of section 903 passes into law as currently written, it would mean that any railroad or airline worker who does NOT vote in a union representation election would automatically be counted as having voted AGAINST the union. This is an absurd and capricious notion.

Last year the National Mediation Board adopted a rule which corrected a flawed implementation of the Railway Labor Act that would have allowed this absurd voting practice. The National Mediation Board rule change ensured that airline and railroad union elections would be subject to the very same democratic principles used in other American elections, by requiring that only the ballots of those who vote be counted. But section 903 of the FAA reauthorization bill repeals the National Mediation Board rule, and for that reason it must be struck.

I strongly urge my colleagues to join me in supporting the LaTourrette-Costello amendment and reject the backward language of section 903.

Ms. SCHAKOWSKY. Mr. Chair, I rise today in strong support of Amendment #21, the Latourette-Costello. I support this amendment because the bill we are considering today, the

FAA Reauthorization and Reform Act of 2011, contains a provision that would undermine the ability of aviation and rail workers to hold fair elections for union representation.

Last year, the National Mediation Board implemented a new rule that certifies a union as being representative of airline or railroad workers if a majority of ballots cast were in favor of the union. This was a major victory for workers, making collective bargaining rights more accessible for the first time in our nation's history. The bill before us today, H.R. 658, would eliminate that tremendous step forward by reverting to the old system which required that any eligible worker who did not vote in an election, for whatever reason, be regarded as voting against union representation. That is not the way elections for Congress are decided, it should be the way union representation is decided.

That policy was out of step with our nation's Democratic principles and if it is reinstated will make it harder for workers to protect themselves through collective bargaining, ultimately leaving many workers without rights. Collective bargaining rights give workers a voice at work—a voice that is not just able to argue for fair compensation and benefits, but for safer workplaces and practices. Passengers have a strong interest in making sure that workers are able to raise those concerns. With this provision, the Republican Party once again is engaging in union-busting. I urge all of my colleagues to support the LaTourrette-Costello amendment.

Ms. SLAUGHTER. Mr. Chair, I come to the Floor today to stand in strong bipartisan support of Mr. LATOURETTE's and Mr. COSTELLO's proposed amendment.

At this time of extreme economic hardship for American workers across our country, it is vital that we, as their voice in Congress, defend their rights to unionize and advocate for a workplace that works for them.

In recent weeks, workers from Wisconsin to Florida have been engaged in valiant efforts to defend their right to unionize, and collectively bargain for a better future. Workers have stood up across America calling for a more equal and more just American workplace.

Their calls come at a dark time in our country. At no point in our history have incomes been so unequal—not even during America's so-called “Gilded Age.” Over the last 30 years, the American worker has been knocked down, and worn out, as she tries harder and harder to make diminishing ends meet.

As currently written, today's bill continues to take from the middle class, when they can afford it the least.

The amendment being considered is a commonsense protection provided to the middle and working class. Mr. LATOURETTE and Mr. COSTELLO's amendment does nothing radical; indeed it preserves the status quo. Yet their amendment shows that there are still some members in both parties who are willing to stand for the middle and working class, and work for a better future.

I urge my colleagues to stand with the middle class, and support Mr. LATOURETTE and Mr. COSTELLO's amendment—for the benefit of the American worker, and the hope of a renewed American middle class.

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

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

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

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

AMENDMENT NO. 22 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT.

Notwithstanding section 521 of title V of division F of Public Law 108-199 (118 Stat. 343) and any restriction in Federal Aviation Administration Flight Data Center Notice to Airmen 9/5151, the Administrator of the Federal Aviation Administration may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to an event at a stadium or other venue occurring at the same time, except that the Administrator may prohibit any aircraft from flying directly over the applicable stadium or other venue.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, this is an amendment which deals with a TFR, a temporary flight restriction, that complicates things at the air show in Cleveland. There are actually several air shows that this is a problem with, but the Cleveland Air Show happens to be the worst one.

The reason I am doing it is because I do a lot of air shows and fly in a lot of air shows, and I am intimately familiar with how the TFRs work. The problem we've had in the past is when the Cleveland Indians play at Jacobs Field, there is a stadium TFR right now, which is a temporary flight restriction for any stadium with a game going on, whether it's football, baseball, whatever. That TFR is 3½ miles in radius and 3,000-feet deep.

Well, with the airport so close to the stadium, if there is a rain-delay game that is postponed and rescheduled and you have the air show in Cleveland, which is one of the most historic air shows around the country, it completely eliminates that air show. The irony is that the stadium there, the Cleveland Indians' stadium, only seats 43,000 people; and there are 90,000 people at the air show. So it creates a problem.

What I am trying to do is clarify and allow the air show to go on when there is a game going on. Now, here is the

irony. This is the most important part. There is what we call an air show TFR, temporary flight restriction. It's more restrictive than a stadium TFR. In fact, an air show flight restriction is 5 miles in radius, and it's 12,000-feet deep. It completely encompasses the stadium TFR. So if there is a game going on at the same time as an air show, they are still going to be completely protected, and it is going to be completely encompassed within that TFR, and they can both proceed. If, for some reason, the air show ends early and the game is still going on, then it will immediately revert back to the stadium TFR, and everybody is happy, and we move forward. There is never a single point in time when there is no protection over that stadium. It has always been a problem, and we are just trying to clarify so the people of Cleveland can continue to do the air show.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment on this side. We feel it is a limited and well-reasoned exception to the rule. Therefore, I would support the amendment and urge a "yes" vote.

Mr. GRAVES of Missouri. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I don't know whether I am in opposition or not, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman very much. As a Congressman from the Cleveland area, I want to thank the gentleman from Missouri (Mr. GRAVES) for pointing out the importance of making this change so that we can continue to have the air show at the same time that we have these major sporting events going on.

What most people may not understand, in Cleveland we have a lakefront airport that is a relatively short distance from our football stadium, and it's also not that far away from our baseball stadium. So it's important for this great event, which is the air show, to be able to get the cooperation from all Federal authorities so that we can proceed with it.

□ 1950

This is one of the major events of the end of summer in Cleveland. And we're very proud of the airshow. It's a Cleveland tradition that goes back many, many years. And I would hope to have the support of Members of both sides of the aisle.

And I want to thank my good friend for helping to take the initiative on this because I think this is something that, hopefully, we'll all be able to agree on.

Mr. GRAVES of Missouri. Mr. Chairman, again, I know there's a lot of confusion out there, and I hope there's staff listening and there are Members listening in their offices.

Again, the Cleveland Air Show, I fly a lot of air shows, and this is one of my favorite air shows. And it's an extraordinary aviation community because it used to be home to the Cleveland air races. And again, this never, at any time, lessens security one bit. In fact, it makes security stronger because the TFR around an airshow is even tighter than a normal TFR. It's bigger, it's deeper, and you can't even turn a prop without getting permission during an airshow while it's going on. So there will never ever be a time that this stadium is not underneath the TFR.

I'm not trying to pull the wool over anybody's eyes. I'm being straight up on this thing. It's a problem, and we need to fix it. So there's no reason why two events can't go on at the same time, if that ever is a problem. And it has been in the past. We just don't want it to be in the future.

Mr. RAHALL. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from West Virginia.

Mr. RAHALL. I'm just wondering if the gentleman has consulted with TSA or Department of Homeland Security or FBI, the various agencies that were concerned about safety at such sports events following 9/11 and for which many of the stadiums and sponsors of these sports events have instituted and spent millions of dollars in safety who have legitimate concerns that one attack may make it all for naught.

Mr. GRAVES of Missouri. We did not contact the FBI. But we did contact Homeland Security. Homeland Security did not get a response back to us. However, and I've provided to the ranking member of the Aviation Subcommittee the response from the FAA—they took no position. And we still leave that authority to them. They can still, if they think it needs to be more restrictive, they can do that. So I didn't want to take that completely away.

I think probably the biggest problem is I think that sports authorities didn't realize there are TFRs associated with an airshow which are actually even more restrictive and bigger. So the best thing you could do is have an airshow next to your game. You're going to have a better TFR, I guess the irony is.

Mr. RAHALL. Because the gentleman is aware of a letter we've received from the major sports organizations, Major League Baseball and the National Football League, the NCAA, expressing their opposition to your amendment.

Mr. GRAVES of Missouri. Yes, and again I think it's just simply because they don't realize there's still a TFR there. And I probably should have done a better job of explaining that. If in the future it becomes a problem, I want there to be good security. I'd be more than willing to work something out.

Mr. RAHALL. Mr. Chairman, I think I just heard what I was looking for in the gentleman's concluding comments there, that he's willing to work with anybody that has these legitimate safety concerns in order to make sure that everything is clear on this going forward.

Mr. KUCINICH. If the gentleman will yield, I would be pleased to work with both of those gentlemen to make sure that we cover all the safety concerns that are expressed.

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

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

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 112-46.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, Santa Monica Airport is a unique general aviation facility located in my congressional district. Each end of the bidirectional runway is abutted by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet. The airport has no runway safety areas. If a plane overshoot the runway or failed to lift off upon departure, it could easily land in the neighborhood.

The amendment I offer today is simple and straightforward. It urges the FAA to continue its discussion with the city of Santa Monica to identify a meaningful solution to address serious safety concerns at the Santa Monica Airport.

For nearly a decade, I've joined the community, the city of Santa Monica and the Airport Administration to push the FAA to address this serious safety gap. While the FAA has had discussions with the city and presented a runway safety proposal, its response has simply fallen short. The FAA has acknowledged that its proposal is both insufficient to stop larger jets from an overrun and inadequate to prevent overshoots involving smaller planes.

My constituents and the pilots and passengers who use Santa Monica Airport deserve better. I urge my colleagues to support this amendment.

Mr. MICA. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the chairman of the committee.

Mr. MICA. Mr. Chairman, first I have no objection to the amendment. And the sense of Congress the gentleman from California offers that FAA should enter into discussions with the Santa Monica Airport for the purpose of runway safety is justified. This is a safety issue. It's important that we address it. And from our side, I would support it.

Mr. WAXMAN. I thank the chairman.

Mr. RAHALL. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the ranking member of the committee.

Mr. RAHALL. I thank the gentleman from California for bringing this to our attention and for bringing his amendment to the floor. It has our total support as well.

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

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

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112-46.

Mr. SHUSTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following:

SEC. 8 ISSUING REGULATIONS.

Section 106(f)(3)(A) is amended—

(1) by inserting "(i)" before the first sentence; and

(2) by adding at the end the following:

"(ii) Before proposing or issuing a regulation, the Administrator shall:

"(I) Analyze the different industry segments and tailor any regulations to the characteristics of each separate segment (as determined by the Administrator), taking into account that the United States aviation industry is composed of different segments, with differing operational characteristics.

"(II) Perform the following analyses for each industry segment:

"(aa) Identify and assess the alternative forms of regulation and, to the extent feasible, specify performance objectives, rather than a specific means of compliance.

"(bb) Assess the costs and benefits and propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

"(cc) Ensure that the proposed regulation is based on the best reasonably obtainable scientific, technical, and other information relating to the need for, and consequences of, the regulation.

"(dd) Assess any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness) together with a quantification of such costs."

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman

from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I rise to offer an amendment. This amendment is composed of two parts, both of which deal with making improvements to the process of issuing Federal Aviation Administration regulations.

The amendment is an effort to improve rulemaking at the FAA by requiring the agency to meet fundamental rulemaking principles.

Directing the FAA to meet these standards will ensure that regulations protect the critical importance of aviation safety while also considering issues of economic competitiveness.

The first part, the "one size does not fit all" part of the amendment, requires the FAA to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics.

Therefore, before proposing or issuing a regulation, the FAA Administrator must analyze the different industry segments and tailor any regulations to the characteristics of separate segments. The definition of industry segments is left to the administrator.

The FAA Administrator, Randy Babbitt, has pointed out that a "one size fits all" approach does not work. In 2009, Administrator Babbitt said, "In rulemaking, not only does one size not fit all, but it's unsafe to think it can."

This amendment attempts to fulfill that objective.

The second part fulfills President Obama's goals of regulatory reform. The second part ensures that the proposed regulations are not overly burdensome or cumbersome by requiring the FAA to conduct rulemakings in accordance with certain principles. First, a reasoned cost and benefit analysis, second, an assessment of the impact on the economy, and third, extremely important that the regulation is based on the best available science and technical information.

Let me be clear that my intent is not to single out or gut any particular regulation or proposed regulation. This amendment does not define industry segments. We allow the FAA Administrator to interpret and appropriately define what industry segments are.

It does not require that the cost benefits analysis be the reason for a rule, a reasoned analysis.

Additionally, the amendment is not retroactive.

Finally, I understand that there may be concerns that the language could apply to ongoing rulemakings. That's not my intent for this amendment to apply to ongoing rulemaking, such as those regarding pilot flight and duty time.

□ 2000

The Transportation Committee has worked hard to address the important

safety concerns in a bipartisan manner. And if there are concerns with the language, we certainly want to make sure we clear that up.

I reserve the balance of my time.

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

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

Mr. COSTELLO. This amendment would impose new legislative requirements on the FAA's ability to propose or issue regulations. Many of the proposed requirements are redundant and are already required by existing law in Executive orders.

For example, the FAA is already required to consider the cost and benefits of regulations and to base its regulation on scientific and technical information. Other requirements, such as forcing the FAA to tailor regulations for each industry's segment, could seriously undermine efforts to achieve one level of safety in aviation and delay important safety improvements.

Mr. Chairman, last Congress, the House Aviation Subcommittee conducted extensive aviation safety oversight, including numerous hearings stemming from the February 2009 Colgan Flight 3407 tragedy. These hearings did not reveal a pattern of arbitrary or draconian rules imposed by the FAA on the aviation industry. Rather, they revealed a pattern of the industry's resistance to proposed safety regulations, many of which resulted from extensive accident investigations and which, nonetheless, languished for years.

The Flight 3407 families who tragically lost their loved ones 2 years ago in Buffalo, New York, were instrumental in the adoption of H.R. 5900, and they continue to monitor the implementation of this important law, holding industry's feet and the FAA's feet to the fire. They are opposed to this amendment because they are also concerned about the adverse impact it would have on the current FAA rulemaking on pilot fatigue.

Earlier today, Captain Sully Sullenberger, the former U.S. Air captain who safely landed in the Hudson River 2 years ago after a flock of geese damaged both his plane's engines, said he was extremely concerned that the Shuster amendment will prevent critical safety regulations from being implemented.

This amendment is not needed. It purports to fix a system that is not broken. At best, it is redundant; at worst, it will delay necessary rulemakings, including those on 84 open NTSB recommendations, to the detriment of the flying public.

Mr. Chairman, I strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. May I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining.

Mr. PETRI. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. PETRI. I understand this amendment has stirred a certain amount of controversy. I have worked with Chairman COSTELLO on the underlying bill that seeks to improve safety and deal with the tragedy, some of which caused the Colgan crash.

We have been talking to the FAA. There is a disagreement about the impact of this amendment, frankly, because they indicate that this is more or less in line with their understanding of the underlying law and the procedures they intend to follow going forward and really merely clarifies it. And if that is the gentleman's intent, it seems reasonable that one take into account different circumstances to maximize safety under changing conditions in different segments of the aviation industry.

I certainly do not favor weakening safety, but I do favor strengthening it in relation to differing circumstances that exist. Whether it is emergency aviation or whether it is military aviation or commuter aviation or general aviation, there are some factors that may be reasonable to take into account to maximize safety. I understand or believe that is the author's intention, though others clearly differ with me at this point.

Mr. SHUSTER. Well, I appreciate the gentleman's comments, and that is my intent. In fact, the Executive order, which does have some of this already in it, cannot have judicial review. So this will strengthen the position for people who have judicial review to be able to enforce it. Again, currently, the Executive order doesn't have it in it. So I believe this is going to strengthen it.

I want safety. Randy Babbitt, who is now the FAA administrator and former president of the ALPA, the Air Line Pilot's Association, has said one size fits all doesn't fit all.

So, again, I think this is going to strengthen the position as we move forward with these rulings. So I would urge the gentleman, if there is something we can do to clear this up a little bit, I am happy to listen to him.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, there is no question, at least from legal counsel that we have talked to, that it would absolutely affect current regulations and those that are pending right now under consideration.

So I would ask the gentleman—I believe I understand his intent—if he would consider withdrawing the amendment, working with the chairman of the full committee and subcommittee, myself and Mr. RAHALL, as we go into conference.

I yield to the gentleman for an answer.

Mr. SHUSTER. I appreciate the gentleman.

That is my intent is to strengthen this. Again, I think this does strength-

en the law because it will give it judicial review. So at this point I am not willing to withdraw the amendment.

Mr. COSTELLO. I thank the gentleman, and we continue to strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. Again, I urge my colleagues to support this amendment. I believe we are going to strengthen the rulemaking process and make the skies and aviation travel even safer than it is today.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, we strongly oppose the amendment. We believe that it will add additional red tape, and there is no evidence at all that the FAA regulations—our history, in fact—favor anyone, other than there has been a reluctance on the part of the industry to comply with regulations. What this will do is drag it out even further and have a negative effect on those pending regulations as well as the existing ones. So we continue to oppose.

I will be happy to work with the gentleman. I know he has good intentions, and I will be happy to work with him, but would continue to oppose and urge a "no" vote.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 25 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. YODER). It is now in order to consider amendment No. 25 printed in House Report 112-46.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—For each of fiscal years 2011 through 2014, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(b) NEW SMALL BUSINESS CONCERNS.—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal year.

(c) CONTENTS.—The report shall include—

(1) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(2) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(3) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I yield myself such time as I may consume.

My amendment is fairly straightforward. We all understand that small businesses are critical to the economic vitality of our communities and of the Nation. Small businesses, however, face many obstacles in trying to win Federal contracts, especially for transportation and infrastructure projects. For certain small businesses, those led by minorities, women, and veterans, the barriers to competing for federally funded contracts are even steeper, and for many years now Federal transportation legislation has included language to help these businesses even get in the door much less compete for and win these contracts.

I would submit to you that this is very noncontroversial. There are no quotas. There is no spending.

Mr. PETRI. Will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Wisconsin for yielding. And if I might take this occasion to be one of the first to wish her a happy birthday. A big milestone is coming up very shortly, and I congratulate you on reaching it.

We have reviewed your amendment on this side of the aisle, and we agree with you. We feel it is an important amendment and support it.

Ms. MOORE. I thank the gentleman from Wisconsin.

This bill, as I understand it, will authorize \$47.5 billion over the next 4 years to improve our Nation's aviation system; and we all want small businesses to be able to fairly compete for that piece of the pie, because we know they can.

I yield to the gentleman from West Virginia, the ranking member.

Mr. RAHALL. I thank the gentlelady for yielding, and I commend her for her diligent work on this issue and for bringing her amendment to the floor of the House. It is all about fairness, and I rise in support as well.

□ 2010

Ms. MOORE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE). The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. HISTORICAL AIRCRAFT DOCUMENTS.

(a) PRESERVATION OF DOCUMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

(B) Group-2 approved aircraft type certificate numbers 2-1 through 2-554.

(2) REVISION OF ORDER.—Not later than one year after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

(b) AVAILABILITY OF DOCUMENTS.—

(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

(B) subject to a prohibition on use of the documents for commercial purposes.

(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

(c) HOLDER OF TYPE CERTIFICATE.—

(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to the Federal Aviation Administration, a person, or the public.

(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall not be responsible for any continued airworthiness or Federal Aviation Administration regulatory requirements to the type certificate data and documents identified in subsection (a)(1).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of an amendment which I call the Herrick amendment, named for the gentleman who brought the matter to my attention, a restorer of old aircraft.

This amendment requires the FAA to preserve original aircraft engineering data in the agency's possession. You can kind of think of this as blueprints of our Nation's very earliest aircraft. It extends for the time from 1927 to 1939, 1927 being the very first typed certificate that was ever issued by the CEA at that time, the FAA now.

Right now, the FAA is currently authorized to destroy that data. In my opinion, this destruction represents the disappearance of very detailed documentation surrounding the golden age of aviation. In some cases this data is converted to a CD or is converted digitally.

What happens is the FAA policy then requires the agency to destroy the original documents. In the world of aviation, to those of us who are very close to aviation, this would be comparable to making a copy of the Declaration of Independence and then destroying the original. It is unclear how much of this original data exists, which is all the more reason why I think we need to preserve it, to find out how much is there.

What my amendment does is it simply requires the FAA to preserve original aircraft engineering data in the agency's possession of aircraft from 1927 to 1939. It requires the FAA to revise the order which provides them authority to destroy this data. The revision would prohibit such destruction. And it makes the documentation to be preserved under this act available to the public upon a Freedom of Information Act request, subject to a prohibition on using the documents for commercial purposes.

I would urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment and are supportive of it. The people who are concerned about vintage airplanes, I know EAA that I represent, one of the largest, if not the largest, association of general aviation enthusiasts, feels this is very important. We would like to work with you to perfect the amendment. But my understanding is the FAA and others also support its intent.

Mr. MICA. If the gentleman will yield, I will only agree to this amendment if Mr. GRAVES agrees that this is his last amendment on this legislation. I know he is the chairman of the Small

Business Committee. I know he has been an active member on the Transportation Committee. I know he is a pilot. But no one should be allowed as many amendments as he has had, and unless he agrees this is absolutely his last amendment, I would have to oppose it.

Mr. GRAVES of Missouri. Mr. Chairman, reclaiming my time, in response to that, I can guarantee you that this is my last amendment, for this particular bill at least.

Mr. RAHALL. If the gentleman will yield, the chairman and I have finally found something we agree upon. I agree as well.

Mr. GRAVES of Missouri. I would close with that, Mr. Chairman, yield back the balance of my time, and urge my colleagues to support the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112-46.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DOÑA ANA COUNTY, NEW MEXICO.

(a) RELEASE FROM RESTRICTIONS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 4, 1982) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to 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.

(b) CONDITIONS.—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) 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 subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) 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.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

This amendment is at the request of the local county, Dona Ana County, in New Mexico. They have land which alternates with a private investor. They are simply asking that 7.35 acres be

given to them and they would in turn give up 8.41 acres to this private company. Then the private company would also give a road to the airport that they are desiring.

This land swap is by the mutual agreement of all parties concerned. The FAA has no objections to the transaction. The appraised value is somewhat different, but the developing group is offering to pay for a road in an equal amount to where the two amounts would be equal, so there is no effective difference.

I would confirm to the chairman of the committee that this is my last amendment also, if that is what it takes to get people to agree to it.

Mr. PETRI. Will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed your amendment and feel that it is a reasonable and important amendment. We support it and urge a "yes" vote on your amendment.

Mr. PEARCE. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

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

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

First I want to read through the rules of the House and what I understand is a congressional earmark. Under clause 9 of rule XXI, a congressional earmark is defined as a provision included at the request of a Member authorizing or recommending spending authority for an entity or targeted to a specific locality or congressional district.

The amendment before us qualifies as a congressional earmark. The gentleman from New Mexico specifically is requesting the provision.

In addition, the amendment authorizes spending authority for Dona Ana County, New Mexico. Subsection (b)(2) states: "Any amount received by the County for the conveyance," which clearly contemplates the county receiving funding pursuant to this provision. Therefore, the amendment qualifies as a congressional earmark under clause 9 of rule XXI.

Moreover, under clause 17 of rule XXII of the rules of the House regarding Members' Code of Conduct, a Member requesting a congressional earmark must provide a written statement to the chair and ranking member certifying that neither the Member nor his spouse has a financial interest in the earmark. I don't question that at all here, but I am just saying what the rules are.

Mr. Chairman, I understand that the rule waives all points of order against the amendment. However, is there any way to ensure that the gentleman from New Mexico files the appropriate financial disclosure certification with the Committee on T&I required under clause 17 of rule XXII?

These disclosure requirements were included in the House rules in the 110th Congress under the Democratic majority. They have served the House well. Merely what I am trying to do is ensure that the sunshine provisions continue to be the standard of the House.

I yield to the gentleman from New Mexico.

Mr. PEARCE. Since there is no money actually changing hands, there is not any value changing hands, it appears that the rule that the gentleman refers to is not invoked.

I am reading clause 9, section (e), which says for purposes of this clause, the term congressional earmark means a provision in the report language included primarily at the request of a Member providing, authorizing, recommending a specific amount of discretionary budget authority, which this does not do, credit authority, which this does not do, or other spending authority, which this does not do, for a contract, which this does not do, a loan, which this does not do, loan guarantee, which this does not do, grant, which this does not do, loan authority, which this does not do, or other expenditure with or to an entity or targeted to a specific State, locality or congressional district.

Mr. RAHALL. Reclaiming my time, the gentleman's last sentence of his amendment says: "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." So it does seem there is some transfer of value here or some monetary, or if not monetary, some value of some sort that is being conveyed to the county.

□ 2020

Mr. PEARCE. The amounts that are involved are equivalent. There is no difference. So I think that's just clearing language in the bill. It's not like any value is moving either direction or the other. That has been ascertained by the appraisals. There is an equivalent difference in land but then the company that is giving up land at the request of the local county has agreed to pave a road on the airport for the county that would make up the difference. And that value has been ascertained also to be in the amount of about \$143,830 in order to make the two transactions equivalent.

Mr. RAHALL. Reclaiming my time, what is the value the Federal Government is getting here?

Mr. PEARCE. In our view, there is no value lost or gained in either direction.

Mr. RAHALL. Except toward the county.

Mr. PEARCE. No. There's no loss to the county—no loss or no gain to the county. There are 7 acres that are in triangular shapes up against the county. They're not able to do anything with the airport on that side. They're simply asking that these triangular shapes be exchanged out so that there is a strip of land that they can develop.

There is no difference in value to either the county or to the company.

Mr. RAHALL. Reclaiming my time, I raise these questions, Mr. Chairman, because what looks like an earmark, walks like an earmark, smells like an earmark, must be an earmark.

I yield back the balance of my time.

Mr. PEARCE. I appreciate the points that the ranking member has brought up. Of course, I share his concern in deep disregard for earmarks. We would never do anything which either compromised his values concerning earmarks, nor mine. We feel like the entire transaction is transparent. It's one which was requested by the local county at the expense of the local company. And so, to me, the Rules Committee has said that this amendment would be made in order; that it did not offend any provision of the rules of this House, nor did it offend any of the germaneness regarding the underlying bill. So we gladly pursue this, and would request a "yes" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

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

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

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

It is now in order to consider amendment No. 28 printed in House Report 112-46.

AMENDMENT NO. 29 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112-46.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. MANDATORY NIGHTTIME CURFEWS.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any written assurances under section 47107 of title 49, United States Code, an airport sponsor may not be prohibited from, or interfered with, implementing any of the following:

(1) A total mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (1) of subsection (b).

(2) A partial mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (2) of subsection (b).

(b) COVERED AIRPORTS.—

(1) PARAGRAPH (1) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a voluntary curfew in effect for certain aircraft on November 5, 1990; and

(B) was created by an intergovernmental agreement established pursuant to a State statute enacted before November 5, 1990, that, along with the statute, imposes obligations with respect to noise mitigation.

(2) PARAGRAPH (2) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a partial curfew in effect prior to November 5, 1990;

(B) operates under the supervision of a board of airport commissioners that, on January 1, 2010, oversaw operation of 3 or more airports, at least 2 of which have airport operating certificates pursuant to part 139 of title 14, Code of Federal Regulations; and

(C) on January 1, 2010, failed to comply with a cumulative noise standard established by a State law for airports in that State.

(c) NOTICE REQUIREMENTS.—

(1) IN GENERAL.—At least 90 days before implementing a curfew under subsection (a), an airport sponsor shall provide to airport users and other interested parties reasonable notice of—

(A) the terms of the curfew; and

(B) the penalties for violating the curfew.

(2) REASONABLE NOTICE.—An airport sponsor shall be treated as satisfying the requirement of providing reasonable notice under paragraph (1) if the sponsor—

(A) includes the terms of the curfew and penalties for violating the curfew on the Internet Web site of the sponsor for the applicable airport; and

(B) provides the terms of the curfew and penalties for violating the curfew to tenants of the sponsor who operate aircraft at the airport, either at their leasehold or the address provided to the airport sponsor for the receipt of notices under their lease.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL MANDATORY NIGHTTIME CURFEW.—The term "total mandatory nighttime curfew" means a prohibition on all aircraft operations at an airport each night during the 9-hour period beginning at 10 p.m.

(2) PARTIAL MANDATORY NIGHTTIME CURFEW.—The term "partial mandatory nighttime curfew" means a prohibition on certain aircraft operations at an airport each night for not longer than the 9-hour period beginning at 10 p.m.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise today in support of the amendment that I'm offering along with my southern California colleagues, Mr. SHERMAN and Mr. BERMAN. This amendment would allow airports that meet specific requirements—airports that already had at least a partial curfew in effect before the 1990 Airport Noise Control Act, ANCA, to implement mandatory nighttime curfews. The amendment defines a nighttime curfew as between 10 p.m. and 7 a.m., and affects only two small airports that have partial curfews—or a full curfew, in the case of Bob Hope—before the passage of ANCA. It does not intend to open the door to any further exemptions from ANCA.

When Congress enacted ANCA, it intended for the statute to permit airports to obtain noise restrictions if they met certain requirements. At the time, Congress exempted several airports from the law's requirements for FAA approval of new noise rules if they had preexisting noise rules in effect to address local noise problems. Both air-

ports in southern California that would be affected by this amendment have a long history of curfews and were, unfortunately, left out of the grandfather provision of ANCA. Our amendment would correct this inequity and put those airports on the same footing as other airports that had curfews before ANCA's passage. One of the airports affected, Bob Hope Airport, was one of the first airports in the country to impose a curfew. The Van Nuys Airport also had a partial curfew prior to ANCA. The amendment therefore corrects the omission of not providing curfews to these airports since they already had a full or partial curfew in effect before 1990.

This amendment is supported by the local airports themselves and has the full support of the local congressional delegation. Opponents of the amendment contend there's already an established process to consider a community's request for a curfew. However, the process was designed to be so difficult that in the decades since it was established by the FAA, only one airport in the Nation has successfully completed an application—Bob Hope Airport—and then it was summarily turned down. After spending \$7 million and 9 years of effort, the FAA rejected Bob Hope's request, erroneously contending that the small number of flights impacted by the curfew would impose too great a strain on the country's aviation system and too great a cost on users. In reality, the FAA approached this process in reverse, beginning with the conclusion it wished to reach and working backwards to try and justify its result.

It's also important to note that my colleagues understand the impact this amendment will have on aviation in southern California. There will be no impact on commercial flights. Commercial airlines do not operate out of Van Nuys and commercial airlines already abide by a voluntary nighttime curfew at Bob Hope Airport. The impact on general aviation will be very limited. About nine flights each night are expected to be affected. Because of the FAA's dismissive attitude toward legitimate local concerns, it is clear to us that the only way to provide relief to the residents in our community is through a legislative action.

For this reason, Mr. Chairman, I strongly urge my colleagues to support this amendment. It will correct an omission in the Airport Noise Control Act. Local problems require local solutions, not solutions imposed by a Federal agency with a predetermined agenda.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

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

Mr. MICA. I have done my best to meet with some of the affected parties here. And I have the greatest respect for those who have brought this proposal forward. I talked to Mr. SCHIFF,

Mr. BERMAN, and others. They have a good intention. They want to protect the airports and the constituents that they represent. However, what they propose is—again, I had to look at this very carefully to see the consequences of what they propose and how it would affect all of us.

Prior to 1990—I think that's where he wants to take us back to—we didn't have a regulation for a standard airport noise control Federal law. Congress enacted a law. And they did this because we get into the situation that any airport could impose various flight restrictions. And what you do is start closing down a national system because, again, you have no consistent regulation. And we set up a procedure in that law.

Now, it is true that Bob Hope had applied, spent money, and then was denied. Van Nuys has never applied. And Bob Hope can go back and apply. If we open this up and we start taking airport by airport and granting certain levels of activity in time, we start destroying a national aviation system. So that's why we put the Act in place. It has a manner in which to proceed.

I'm glad this came up because maybe it is an Act that we need to look at. I don't want communities to have to spend a great deal of money to go through this process or spend a great deal of time. Maybe we need to look at amending the Airport Noise Control Act of 1990 to be fair to communities. But I'm telling you, if we open this door, then we have a problem.

Again, Van Nuys has never even sought the remedy. So to come to Congress and ask for this exemption at this point on behalf of the entire aviation system—and my responsibility is to, again, everyone who contributes to our national aviation system—I can't concur with, and I have to oppose this amendment at this time.

I reserve the balance of my time.

Mr. SCHIFF. I thank the chairman and appreciate the time that he spent to discuss this issue with us. I would just make a couple of points before I yield to my colleague, and that is that this will only restore an inequity at the time of ANCA.

□ 2030

Had ANCA exempted each of the airports that had a curfew in place at the time, we wouldn't be here because this problem would have been taken care of. So it doesn't really create a precedent that will erode the system, destroy the system. What it will say is all airports that had a curfew in place should be treated the same way.

And as a further illustration of the minimal impact it will have, both airports support this. And LAX, the major airport in the area, the authority that controls LAX also supports this. So the other major airport that would be impacted by any potential overflow supports this as well. There's uniformity within the airports in our region.

With that, I yield the balance of my time to my colleague from California (Mr. SHERMAN).

The Acting CHAIR. The gentleman from California is recognized for 30 seconds.

Mr. SHERMAN. I represent both airports in question. This is a principled amendment that deals with all airports that had curfews in effect in 1990.

To say that Burbank should appeal, having spent \$9 million on a dead-end rigged process, is not a sufficient answer. And to say that Van Nuys should then go spend \$9 million on a process that's obviously rigged is not an answer.

The answer is to adopt this amendment that doesn't cost the Federal Government a penny and simply allows the L.A. area to do what every stakeholder in the area wants to do. The harsh hand of the Federal Government should not prevent local control in this area.

Mr. MICA. I yield myself the balance of my time.

Again, I try to work with Members that have problems. Unfortunately, again, in analyzing this—I do have the stewardship of the country at stake and our national aviation system. And this amendment, unfortunately, would set a precedent that would encourage other localities to seek congressional intervention to override FAA decisions or to avoid the agency review process altogether.

We could be here all the time doing this. The results would be a patchwork quilt of local regulations that would work against the maintenance of a national air transportation system. We can start taking it apart piece by piece. And that was exactly the concerns that led to the passage of the law in 1990.

Now, if it needs amending, I will work with them. I understand their concerns and others that might have a similar problem. And it's somewhat educational too to learn about the \$9 million that they had to spend to go through this process and then have it denied.

But I can't in good faith, and, again, having a responsibility to the Nation and its aviation system, support this amendment at this time. I have to oppose it because, again, the patchwork, the quilt work, and the deluge that we would get in our committee. So, again, I'm having concerns, but I still remain in opposition.

I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

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

AMENDMENT NO. 30 OFFERED BY MR. MATHESON

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112-46.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to any airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county property for airport purposes pursuant to section 16 of the Federal Airport Act (as in effect on August 28, 1973) or section 23 of the Airport and Airway Development Act.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The applicable airport, city, or county shall agree that in conveying any interest in the property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive an amount for such interest that is equal to its fair market value.

(2) Any amount received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(3) Any other conditions required by the Secretary and in accordance with title 49, United States Code.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I am very pleased to stand up and offer this bipartisan amendment today, offered by myself and also the gentleman from New Mexico (Mr. PEARCE).

The amendment addresses an interesting problem, and that is, over history, at times, the Federal Government has given land to various airport authorities—it could be a city, a county, or a State—with a reverter clause that the land is no longer used for the purpose in which it was given or sold to that airport. Now, I'm not suggesting we ignore the reverter clause, but there are circumstances where a different airport-related use is proposed for this land but it can't be done under the original terms of the sale.

So our amendment basically says that as long as this land is continued to be used for airport purposes, the FAA has the ability to ignore the reverter clause, if you will, or adjust the reverter clause to allow this land to continue to be used for airport purposes in a different manner than it was used before.

This circumstance exists in various locations around the country. This is an issue that has been hanging out for a few years in some of our congressional districts, and I'm pleased we have found a way, I believe, to address

what I believe are noncontroversial issues of changing to a different type of airport use. So I think it's consistent with the intent of the land being given to a city, county, or State or airport authority. This remains in the public hands.

That is the substance of my amendment, Mr. Chairman, and I urge people to vote for it.

Mr. PETRI. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from Wisconsin.

Mr. PETRI. Thank you.

We have reviewed this amendment. We support the goal that he is attempting to achieve. We want to continue working with him, but even with its being adopted, because the FAA has raised some concerns, mainly that it, as drafted, would capture all airports and would have an overly broad effect. But I understand the difficulty that created that; so we're trying to figure out if there is some way we can achieve the objective which, as best we can tell, is a perfectly reasonable, sensible objective within the rules of the House and without causing problems in other places that are unintended.

With those caveats, we support the amendment and look forward to working with you as we go forward.

Mr. MATHESON. I greatly appreciate the comments of my colleague Mr. PETRI. And, again, I also commit to work with you to refine this to make this in the best possible form.

Mr. PEARCE. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from New Mexico.

Mr. PEARCE. Thank you.

I was going to claim time in opposition and then speak in favor of the amendment, but we can get this wrapped up a lot quicker if we do it this way.

Basically, I am cosponsoring the amendment with the gentleman. In the West the problem is greater, more extensive than the rest of the country, but we've got small parcels of land around everywhere that are owned by the government. And this is a practical, commonsense measure which would help distribute those parcels of land. It requires that the value be accorded to the government, to whatever owning agency there is. You have to receive fair market value for it, but it gets it out of the government's hands and into the hands of either an entity that will develop the land or hold it. So it's a commonsense amendment that makes for smoother operations downstream, and I would gladly support the amendment and urge a "yes" vote for the Matheson-Pearce amendment.

Mr. MATHESON. Reclaiming my time, if no one is going to claim time in opposition, I am happy to close.

Again, I appreciate Mr. PEARCE's work on this and I appreciate Mr. PETRI's ongoing discussions on this. It's been a bipartisan effort. I encourage my colleagues to support the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

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AMENDMENT NO. 31 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112-46.

Mr. SCHIFF. Mr. Chairman, I rise as the designee of the gentlewoman from California, Representative WATERS, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—

(1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

(A) the ongoing operations of LAX; and

(B) plans to expand, modify, or realign LAX facilities; and

(2) should include in such consultations any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETRI. Will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Wisconsin.

Mr. PETRI. Earlier this afternoon, we discussed this amendment with the principal author, your colleague Ms. WATERS. We are prepared to accept the amendment. We know it was offered in good faith, and is a more restrictive amendment than an earlier one that we'd discussed, so I would urge a "yes" vote on her amendment.

Mr. SCHIFF. Mr. Chairman, I thank you for that, and I know my colleague Representative WATERS thanks you for that. Let me just briefly state for the record a couple of points that my colleague would like me to make, and then I'd be happy to yield the balance of my time.

This amendment states that it is the sense of Congress that Los Angeles World Airports, the operator of LA International Airport, LAX, should consult on a regular basis with representatives of the community surrounding LAX regarding airport operations and plans to expand, modify or realign airport facilities.

LAX, one of the world's busiest airports, is located in Representative WATERS' congressional district. According to LAWA's Web site, LAX is the sixth

busiest airport in the world for passengers, and it ranks 13th in the world in air cargo tonnage handled. There were 656,000 takeoffs and landings at LAX in 2006. Unfortunately, each of these takeoffs and landings makes noise.

LAWA is currently in the process of realigning the runways on the north side of the airport. Depending upon the runway configuration that is chosen, this realignment could have a tremendous impact on the local community. Residents of Westchester and Playa del Rey, which are located adjacent to the north runways, are strongly opposed to any proposal to move the runways farther north, which could force some families to leave their homes. Residents of the city of Inglewood and the communities of Vermont Knolls and south Los Angeles, which lie to the east of LAX, underneath the flight path of the planes that use the runways, are concerned that reconfiguration will result in an increase in airport noise.

Some of the people who are most impacted by LAX operations do not even benefit from the services that LAX is intended to provide. LAX serves people from all across southern California, but many of the people who live closest to the airport are low-income who cannot afford the benefits of air travel. In communities like Los Angeles, where airports are located near residents who can't afford to use them, it is all the more important that the airport operators listen to the concerns of those residents.

This is a simple, nonbinding amendment that will not affect other airports. I thank the chairman for his support, and urge my colleagues to support this as well.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112-46.

Ms. MOORE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DEVELOPMENT OF AEROTROPOLIS ZONES AROUND AIRPORTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may establish a program in support of the development of aerotropolis zones around medium and large hub airports.

(b) DEMONSTRATION PROJECTS.—Under the program, the Administrator may carry out demonstration projects in not more than 5 locations. In selecting such locations, the Administrator shall seek a mix of medium and large hub airports.

(c) ACTIVITIES.—In carrying out a project with respect to an airport under the program, the Administrator shall undertake activities designed to—

(1) encourage freight and passenger rail companies to support the development of those facilities at or near the airport to reduce congestion and improve the flow of freight and passengers to and through the airport;

(2) reduce traffic congestion on roadways serving the airport to improve the flow of passengers and freight to and through the airport; and

(3) integrate airport planning and development efforts with businesses and municipalities located near the airport to maximize economic development opportunities that rely on the airport as a transportation hub.

(d) REPORTS.—If the Administrator decides not to carry out demonstration projects under the program in a fiscal year, the Administrator, on or before the last day of that fiscal year, shall submit to Congress a report containing an explanation for the Administrator's decision.

(e) FUNDING.—For each of fiscal years 2011 through 2014, the Administrator may use amounts made available under section 106(k) of title 49, United States Code, for operations of the Federal Aviation Administration to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, this amendment encourages the development of aerotropolis transportation zones.

Let me start out by congratulating and thanking the committee for including the Cohen amendment in the underlying bill, which would direct the FAA to adopt policies that encourage the development of aerotropolis transportation zones.

I mean, no airport exists in isolation. There are cases where targeted investments in the intermodal transportation system would significantly benefit the airport and make it more profitable, and all other users would need to think about how to do that in the future and make these airports the hubs of their activities.

I so appreciate Mr. COHEN's leadership on this, and recognize the value in his new way of looking at our Nation's airports and the value that that brings to us.

My amendment goes one step further by giving the administration explicit authority to participate in helping to fund aerotropolis projects that he finds would significantly benefit the participating airport. It builds on Mr. COHEN's efforts by making it clear that the administrator can authorize demonstration projects but only if an airport authority makes a convincing case that it has a project that will result in clear benefits to the airport.

Now, a little birdie told me that there will be some objection to this proposal based on the supposition that I'm arguing for a sudden shift in airport funding to be used for other transportation modes. No, no, no. That's not what I'm trying to do. I recognize that airports have a unique need and deserve a sustainable and dedicated stream of funding. What I am saying is,

as to that same funding stream, when there are times that intermodal transportation will benefit an airport—maybe bring it back to life and increase profits for it—we should look at it.

I wish my colleague from Memphis, Tennessee, were here, but just let me tell you a little bit about my district, Mr. Chairman.

I live in Milwaukee, Wisconsin. Our airport is only 90 miles from O'Hare, a global network. The deepest part of Lake Michigan, our port, is in Milwaukee, Wisconsin. We have lots of parcels of land available for trucking and storage. Our Governor, our very popular Governor, Scott Walker, who just turned down \$810 million for high-speed rail, now wants \$150 million to improve the Hiawatha between Chicago and Milwaukee. We're only 90 miles from O'Hare, which is overcrowded. So I think the aerotropolis concept could improve the profitability of that airport.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to this amendment.

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

Mr. MICA. While I do want to, first of all, thank the gentlelady from Wisconsin for bringing this amendment forward, our committee did have an amendment which we included, a provision for the gentleman from Tennessee, who she has been working with, Mr. COHEN. I think they have an excellent proposal for looking at a broader scope of how aviation should work as an intermodal entity and on a larger basis. I do have concerns about the way the language is directing certain demonstration projects and FAA funding.

So we are willing to work with, again, the gentlelady who brings this amendment forward with Mr. COHEN, the gentleman from Tennessee. We did put the placeholder provision in and supportive language of this type of proposal. Again, I would have to reluctantly oppose it, but I offer to support, and if the gentlelady is willing to withdraw the amendment, she would have that commitment from me.

I reserve the balance of my time.

Ms. MOORE. I would like to yield some time to my good friend, the ranking member, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentlelady from Wisconsin for yielding.

I do rise in support of her amendment, which would allow the FAA to conduct demonstration projects in support of aerotropolis zones around airports. These zones would encourage compatible land uses around airports. They would also facilitate transportation projects that would improve airport access and reduce congestion.

These projects would not be required, but this amendment would give the FAA the flexibility to encourage the development of aerotropolises around our Nation's airports, which would be

for the benefit of the flying public and local economies.

I commend the gentlelady on her amendment.

Ms. MOORE. In reclaiming my time, I would just say I really appreciate the generous offer of the gentleman, the chair of the committee, to work with me on it. I think a demonstration project would have accorded us an opportunity to show you this, but I am sure that this is so profitable that many places, like Milwaukee, will continue to work on this.

So I would be willing to withdraw this amendment at this time if you would be willing to work with me toward improving the language and process through which this could be realized.

I reserve the balance of my time.

□ 2050

Mr. MICA. Again, yielding myself time, I would openly and very actively pursue the goal that the gentlelady has set here and also the gentleman from Tennessee who provided the underlying provision that we have in the bill that will be passed. And I know that her goal is development to provide efficient, cost-effective, and sustainable intermodal connectivity to a defined region, and I share that goal. So I will work with her.

Also, in closing, since this is the last amendment—I think Mr. CROWLEY does not intend to appear—I do want to thank the gentlelady. I want to thank the ranking member, Mr. RAHALL. I don't see Mr. COSTELLO. I want to thank Chairman PETRI and the staff who have worked through this. There were some disagreements on some of these issues; but we have Members that are willing to, again, come forward, state their positions. The gentlelady from Wisconsin has done that and advocated her particular provision and amendment; but I think that in all it's been a good, healthy debate and exchange, an opportunity to hear many, many amendments throughout the day.

And I would encourage again working with those who have had proposals that may not have gotten in the bill that we would work on in conference; and while we do have some disagreements, I think we've done probably as good a job as we can.

I'd like to yield a moment, if I may, to Mr. RAHALL my ranking member, Democrat leader of the committee.

Mr. RAHALL. I thank the chairman for yielding, and I want to second the comments he's made about the fairness on both sides of the aisle. I think the chairman has been particularly fair and, as stated, is willing to work with so many Members on amendments, whether he has accepted them today or not.

I also commend the staffs on both sides for their hard work. Mr. PETRI, I commend his leadership, and Mr. COSTELLO as well on my side of the aisle. And let's all hope this is the last time we go through this this year on this bill.

Mr. MICA. Again, I thank the gentleman and the gentlelady. I yield back the balance of my time, both on this amendment and hopefully on the bill.

Ms. MOORE. I yield back the balance of my time, and I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 112-46.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 112TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaders, the Chair announces that the official objectors for the Private Calendar for the 112th Congress are as follows:

For the majority:

Mr. SMITH, Texas

Mr. SENSENBRENNER, Wisconsin

Mr. POE, Texas

For the minority:

Mr. SERRANO, New York

Mr. NADLER, New York

Ms. EDWARDS, Maryland

HUNGER FAST 2011

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

Mr. MCGOVERN. Mr. Speaker, I rise to commend the efforts of our former colleague, Tony Hall; Reverend David Beckman; Reverend Jim Wallis; Mark Bittman; and more than 6,000 people across the country as they take part in a hunger fast to protest the draconian cuts to programs that affect the hungry and the most vulnerable in America and around the world.

The Republican plan, H.R. 1, would decimate what is now being called the Circle of Protection—the programs that protect the hungry and the most vulnerable here at home and around the world. I urge my colleagues to show that America doesn't turn its

back on people in need, to have a heart, and to resist cutting these lifesaving programs. Please go to www.hungerfast.org for more information.

PROTECTING PROGRAMS FOR LOW-INCOME PEOPLE: A CIRCLE OF PROTECTION

DOMESTIC

Food assistance.

SNAP, the supplemental nutrition assistance program (formerly food stamps), helps more than 43 million Americans put food on the table every month.

The National School Lunch Program serves 20.4 million low-income children.

The School Breakfast Program serves 9.7 million low-income children.

Tax credits and income support.

In 2009, the Earned Income Tax Credit (EITC) lifted an estimated 6.6 million people out of poverty, including about 3.3 million children.

In 2009, the Child Tax Credit (CTC) lifted an estimated 2.3 million people out of poverty, including about 1.3 million children.

In the 2007 tax year (the most recent year for which we have data), nearly 25 million working families and individuals received the EITC.

Low-income child care and early education.

Low-income health care.

Low-income education and training.

Preventing child maltreatment.

INTERNATIONAL

International food assistance and emergency response.

More than 30 million people receive assistance from USAID's Food for Peace program (P.L. 480 Title II).

The McGovern-Dole International Food for Education and Child Nutrition Program serves 5 million of the world's poorest children.

Sustainable international development.

42 million African children went to school for the first time between 1999 and 2007, thanks in part to debt relief and development assistance for education.

Global health.

International poverty-focused financial services.

International refugee assistance and post-conflict support.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, April 1, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

949. A letter from the Director, Department of Defense, transmitting the Department's twenty-first annual report for the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

950. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Nonavailability Exception for Procurement of Hand or Measuring Tools (DFARS Case 2011-D025) received March 17, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Armed Services.

951. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids into Schedule I [Docket No.: DEA-345F] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

952. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulation: Replacement Parts/Components and Incorporated Articles (RIN: 1400-AC70) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

953. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

954. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Foreign Affairs.

955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Auditor's Examination of the Office of Risk Management's Oversight of the District's Disability Compensation Program", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

956. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Tulsa County, Oklahoma, and Angelina County, Texas, to Nonappropriated Fund Federal Wage System Wage Areas (RIN: 3206-AM22) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

957. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's second report entitled, "Report on the Adequacy of the Rules Prescribed under the E-Government Act of 2002"; to the Committee on the Judiciary.

958. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Information Security Program [Docket No.: 11-01] (RIN: 3072-AC40) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

959. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Amendments to Commission's Rules of Practice and Procedure [Docket No.: 11-02] (RIN: 3072-AC41) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

960. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Update to NFPA 101, Life Safety Code, for State Home Facilities (RIN: