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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*March 31, 2011.*

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

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

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

## THE ATTACK ON LIBYA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, when the President ordered the attack on Libya without congressional authorization, he crossed a very bright constitutional line that he, himself, recognized in 2007 when he told the Boston Globe, ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.''

The reason the American Founders reserved the question of war to the Congress was that they wanted to assure that so momentous a decision could not be made by a single individual. They had watched European kings plunge their nations into bloody and debilitating wars over centuries, and they wanted to avoid that terrible fate for the American Republic.

The most fatal and consequential decision a Nation can make is to go to war, and the American Founders wanted that decision made by all the representatives of the people after careful deliberation. Only when Congress has made that fateful decision does it fall to the President as Commander in Chief to command our Armed Forces in that war.

The authors of the Constitution were explicit on this point. In Federalist 69, Alexander Hamilton drew a sharp distinction between the American President's authority as Commander in Chief, which he said ''would amount to nothing more than the supreme command and direction of the military and naval forces'' and that of the British king who could actually declare war.

To contend that the President has the legal authority to commit an act of war without congressional approval requires ignoring every word the Constitution's authors said on this subject—and they said quite a lot.

There seems to be a widespread misconception that under the War Powers Act the President may order any attack on any country he wants for 60 days without congressional approval. That is completely false.

The War Powers Act is clear and unambiguous: The President may only order our Armed Forces into hostilities under three very specific conditions. Quoting directly from the act: ''One, a declaration of war; two, specific statutory authorization; or, three, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.''

Only if one of these conditions is present can the President then invoke the War Powers Act. None are present, none are alleged to have been present, and, thus, the President is in direct violation of that act.

The United Nations Participation Act requires specific congressional authorization before American forces are ordered into hostilities in United Nations actions. The North Atlantic Treaty clearly requires troops under NATO command to be deployed in accordance with their own country's constitutional provisions. The War Powers Act specifically forbids inferring from any treaty the power to order American forces into hostilities without specific congressional authorization.

The only conclusion we can make is that this was an illegal and unconstitutional act of the highest significance.

The President has implied that he didn't have the time for congressional authorization to avert a humanitarian disaster in Libya. Well, he had plenty of time to get a resolution from the United Nations, and I would remind him that just a day after the unprovoked bombing of Pearl Harbor, Franklin Roosevelt appeared in this very Chamber to request and receive congressional authorization.

Some have said that the President can do whatever he wishes and that Congress' authority is limited to cutting off funds. The war is not a one-sided act that can be turned on and off with congressional funding. Once any Nation commits an act of war against another, from that moment on it is at war. It is inextricably embroiled and entangled with an aggrieved and belligerent party that has casus belli to prosecute hostilities regardless of what Congress then decides.

Finally, I've heard it said, well, we did the same thing in Kosovo. If that is the case, then shame on the Congress that tolerated it, and shame on us if we allow this act to stand unchallenged any longer.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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This matter strikes at the heart of our Constitution. If this act is allowed to stand, it will fundamentally change the entire character of the legislative and executive functions on the most momentous decision that any Nation can make. It will take us down a dark and bloody road that the American Founders fought so hard to avoid.

## THE BUDGET CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Madam Speaker, today, I intend to use my 5 minutes to talk about the budget crisis that is before Congress. We have to make a decision whether to continue the operations of government. That's the debate that is now under way with the continuing resolution, and we soon face the question of whether or not Congress will extend the debt limit.

Now, let me start by acknowledging the obvious. America has to get its fiscal house in order. How we got here is debated, but certain things are indisputable. We have two wars that have been paid for on the credit card. We had tax cuts that went to the high-income Americans that are on the credit card. We recently extended them at the cost of $700 billion to the deficit. We had irresponsible behavior on the part of Wall Street that required rescuing the financial system in America so that Main Street could fight and survive another day. And then that led to a collapse in the economy and 10 percent unemployment that required governmental action in order to try the stabilize the economy. We have a long way to go in restoring the economy, but that has to be our first mission.

The Republican proposal on how to address this budget in these continuing resolutions will fail. The reason it will fail is because it fails to do what must obviously be done if we're going to have long-term fiscal stability, and that is put everything on the table. The cuts that are proposed by the Republican majority, unwise as they are, cannot do the job.

The total focus of the Republican effort in its budget plan to restore fiscal balance is to attack 12½ percent of the budget, the non-defense discretionary portion of the budget. It happens to be programs that are benefiting Americans in many cases, but leaving aside the debate about whether we should cut low-income heating assistance for the most vulnerable Americans or cut Pell scholarships that allow aspiring young people to enter the middle class, we could cut the entire non-defense discretionary portion of the budget and we could continue to have an annual deficit of $1 trillion.

So, if we're going to get to budget balance and fiscal stability, which we can do, we have to put everything on the table, and that means tax expenditures. The tax breaks that have been written into the Tax Code over the years by Republicans and Democrats alike actually cost taxpayers more than the entire appropriations budget, and many of us are asking the question: Why is it that we are going to be continuing $5 billion in tax breaks to very profitable oil companies when oil is now selling at $106 a barrel? Why are we allowing that but at the same time cutting low-income heating assistance and turning down the thermostat of cold Vermonters and cold Americans?

□ 1010

Why is it that hedge fund millionaires and billionaires literally pay a lower tax rate than their chauffeurs, their drivers, their cooks, their secretaries?

We have got to put tax expenditures on the table. We have to put the defense budget on the table. How is it that America is spending over $700 billion a year? How is it that we are putting two wars on the credit card and not facing the fiscal responsibility to tell Americans how we are going to pay for that but are simply putting that burden on generations of Americans that will come after us?

We have to reform health care. The first act of this Congress was to repeal the health care bill. And debate as we might about what's the best way forward on health care, no one can dispute that our first goal has to be to bring down the cost of health care; because whatever kind of system we have, if the cost is increasing two and three and four times the rate of inflation, job growth, and profits, it's not sustainable. And the health care bill that has been repealed by this Congress, this House of Representatives, that is going to add over $200 billion to the deficit over 10 years.

So we have to put everything on the table. That's defense. That's tax expenditures. That's entitlements and how we can reform them so we can maintain benefits, not slash benefits. And Democrats have to be willing to come to the table on the traditional line items in the appropriations bill where we have to kick the tires and find ways to be responsible. If we do that by putting everything on the table, we have a chance to be successful and be on a path to fiscal stability and solvency. Refusing to put everything on the table guarantees failure.

## TRIBUTE TO GENERAL GEORGE W. CASEY, JR., 36TH CHIEF OF STAFF OF THE UNITED STATES ARMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CARTER) for 5 minutes.

Mr. CARTER. Madam Speaker, Congressman SILVESTRE REYES and I would like to take this opportunity to honor General George W. Casey, Jr., the 36th Chief of Staff of the United States Army, for his extraordinary dedication to duty and service to our Nation.

As cochairs of the House Army Caucus, Congressman REYES and I have had the privilege of working with General Casey as he led our Army through a difficult period of transformation, simultaneously rebalancing and modernizing the Army while our Nation was engaged in two wars. After 40 years of distinguished service, General Casey will retire from active military duty in June of 2011.

General Casey is the epitome of the consummate professional, exemplifying the special qualities exhibited by all transformational military leaders: a strong sense of duty, honor, courage, and love of country.

General Casey continued the tradition of military service to his country that was started by his father, Major General George W. Casey, Sr., commander of the First Cavalry Division, who died in a helicopter crash on July 7, 1970, in Vietnam. That same year, General Casey was commissioned as a second lieutenant in the Infantry from Georgetown University's Army Reserve Officers Training Corps.

He went on to excel in a variety of command and staff assignments, including notable participation in Operation Joint Endeavor in Bosnia and Operation Iraqi Freedom in Iraq. He commanded the First Armored Division in 1999 to 2001, served as the director of Strategic Plans and Policy (J–5) of the Joint Staff in 2001, and director of the Joint Staff in 2003.

Following these Joint Staff assignments, General Casey served as the 30th Vice Chief of Staff for the Army until June 2004. From 2004 until 2007, General Casey commanded the Multinational Force Iraq, a coalition of 32 countries, where he oversaw the transition of three separate Iraqi Governments. He set the conditions for transition to Iraqi-led security, which, in turn, enabled the successful drawdown of U.S. forces from Iraq. He was a powerful influence for democratic change in Iraq, steadily improving the security and political environment in the country so that, in 2005, Iraq was able to conduct open and transparent national elections.

On April 10, 2007, General Casey became the Chief of Staff of the United States Army. Since assuming this position, General Casey's leadership and commitment have contributed immeasurably to ensuring America's Army remains the preeminent military force in the world. As the Army's Chief of Staff, General Casey has provided the strategic leadership and vision to complete the most comprehensive transformation of the Army since World War II, building versatile and modular units and improving the capabilities of soldiers to conduct full-spectrum operations.

General Casey has proven himself a tremendous wartime leader, demonstrating unselfish devotion to our Nation and to the soldiers he leads. Responsible for the organization, training, readiness, mobilization, and deployment of Army forces, he has worked tirelessly to successfully restore balance to a force stretched and

stressed by the demands of the wars in Iraq and Afghanistan.

Above all, General Casey has never wavered from his personal commitment to support the soldiers and families who are the heart and soul of the United States Army. He implemented the Army Family Covenant and the Army Community Covenant to expand and improve services and raise awareness about the unique challenges military families face.

Madam Speaker, during times of uncertainty and crisis, our Nation has been fortunate to have exceptional men and women who step forward and calmly lead. Such a man is General George W. Casey, Jr. He has been exemplary in his selfless service for our country through war, peace, and personal trial.

It is with profound admiration and deep respect that we pay tribute to General George W. Casey, Jr., for all he has done for the United States Army and this country. We thank General Casey, his wife, Sheila, and his two sons, Sean and Ryan, for their dedication and sacrifice on behalf of our soldiers, our Army, and our Nation.

As a personal aside, several years ago, I was on a plane that was grounded in Germany coming back from a codel in the Middle East, and here comes the Commander in Chief of the Army jogging up to the airfield just to say hello to the congressional delegation. He is a great man.

## BUDGET COMPROMISE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Madam Speaker, at the outset, let me associate myself with the remarks of the gentleman who just spoke on behalf of General Casey and thank General Casey, with him, for his service to the country.

Madam Speaker, in 1998, as a Republican Congress was struggling to compromise with a Democratic President on a budget bill, a Member of the House rose to speak to what he called the ''perfectionist caucus,'' those Members who stood against compromise under any circumstances. Here is what he said:

''Now, my fine friends who are perfectionists, each in their own world where they are petty dictators, could write a perfect bill. It would be about 2,200 of their particular projects and their particular interests and their particular goodies, taking care of their particular States. But,'' this speaker said, ''that is not the way life works in a free society. In a free society, where we are sharing power between the legislative and executive branch, compromise is precisely the outcome we should expect to get.''

Those words were true then when Newt Gingrich, the Speaker of the House, said them, and they are still true today.

In the last election, Americans voted for shared responsibility. Without both parties' willingness to compromise—to take less than 100 percent of what they want—there will be no solution to our most pressing problems, including our debt; there will be no action on our budget; and the government will be in danger of shutting down, which, in the midst of a fragile economic recovery, would be disastrous.

So the question is this, Madam Speaker: Who is willing to compromise and who is standing in the way?

□ 1020

Democrats are willing to cut and compromise. We believe that smart, targeted cuts are a part of the solution, and we have offered to meet Republicans more than halfway.

The Republican leadership initially proposed $73 billion in spending cuts. Their conference rejected that proposal and demanded $100 billion in cuts.

Democrats have offered $51 billion, and signal a willingness to move toward the $70 billion figure suggested by the Republican leadership, very near the Republicans' original goal, provided that we can agree on cuts that don't cripple our economic recovery and undermine our shared values.

Cutting 200,000 children from Head Start is not, I believe, a value we ought to support. Adversely affecting 9 million young people's ability to go to college and make us a more competitive society is not one of those values either. Substantially reducing our ability to participate in basic research which will grow our economy, create innovative ideas and spur invention is not one of our values.

In my view, H.R. 1 that passed this House did not represent America's values. Yes, we need to become fiscally disciplined, but we need to do it in a smart way that reflects our values.

Looking at those numbers, Americans are surely thinking there is clear room to come to an agreement and keep the world's largest enterprise, the United States Government, from being funded on a sporadic, uncertainty-creating 2-week or 3-week increment.

So why can't we?

Well, read the news. The New York Times March 28 said this: ''Tea Party supporters are coming to the Capitol this week to rally Republicans to not compromise with Democrats on spending cuts.'' That's the perfectionist caucus wing.

Politico, on March 27, said this: ''Harsh rhetoric Friday night suggests GOP leaders still fear a tea party rebellion.'' That's what Newt Gingrich was talking about with respect to the perfectionist caucus.

The Hill, on March 29 said, ''Striking a deal with Democrats would set off a wave of revolt among the most conservative members of the caucus.'' That's the perfectionist caucus that Newt Gingrich was talking about that brought our government to a standstill and shut down our government in 1995 and early 1996.

We are in a dangerous place, I tell my friends, when compromise, which is essentially the job description of a legislator in a free society, is enough to spark revolt.

Come, let us reason together, Lyndon Johnson said. That is what we need to do. We face partisan opposition to any compromise on spending levels. Some Members' willingness to shut down the government unless they get their way on divisive social issues, even though the Republican pledge to America promised to, and I quote, ''end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people.'' In fact, Mitch Daniels, candidate for President, Governor of Indiana, said they ought to be considered separately. He is right.

Madam Speaker, the perfectionist caucus, unfortunately, seems to be alive and well. It just has a new name. Just listen to its own words.

One Republican Member said this: ''If we can't defund health care reform in the spending bill, then we have just got to dig in.'' In other words, shut down government if you can't repeal the health care bill.

Is that an item for substantial, substantive debate? It is. But should we shut down the government while that debate is occurring? I say no.

Another said, ''I think we have to have a fight. I think this is the moment.'' In other words, our way or no way. I don't think that's what the American people voted for.

Another said this: ''I don't see any room for compromise.''

Democracies cannot work that way. As Newt Gingrich said, we're elected from different constituencies by different people with different views, and they expect us to come here, all 435 all of us, and all 100 in the Senate, and make reasonable compromises to move our government forward. Yes, to reduce the deficit we must do that, but let us do so in a way that honors our values and honors our democracy.

For the rest of us, Members of both parties who understand that legislating means compromise, it's time to find common ground and prevent government shutdown.

## INSIGHTS FROM THE CONSTITUENT WORK WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BARLETTA) for 5 minutes.

Mr. BARLETTA. Madam Speaker, I rise today to share with my colleagues in the House what my neighbors at home shared with me during the past constituent work week. Throughout the week I heard from small business owners, local officials, university leaders, teachers, students, Rotarians, and a Purple Heart National Guardsman about the issues facing Pennsylvania's 11th Congressional District. Although the voices were different, the message was the same. We need to get our economy back on track.

Last week I spoke at the Rotary Club in my hometown of Hazleton about the debt crisis crippling our Nation. The Rotarians were engaged, attentive, and concerned about the spending habits of Washington.

Madam Speaker, I let them know that we have a debt crisis in this country, not because Washington taxes too little, but because Washington spends too much. For far too long, the Federal Government has overspent, overtaxed, and over-borrowed. That stops now.

If we are serious about our economic prosperity, we must cut wasteful spending in favor of investments proven to work. Last week I visited the SHINE 21st Century After-School Program at Panther Valley Elementary School in Nesquehoning. Located in 10 schools in Carbon and Schuylkill Counties, SHINE is a data-driven, rural education model designed to provide academic enrichment to at-risk students. I commend Jeanne Miller, Director of the SHINE Program, and Lehigh-Carbon Community College for partnering together to benefit pre-service teachers and, more importantly, some of our region's most deserving students. Like the D.C. Opportunity Scholarship Program, the SHINE model stands out as a program that works.

As a member of the House Committee on Education and the Workforce, I will continue to examine how education at all levels is preparing students for careers. I was privileged last week to welcome Chairman KLINE and the House Education and the Workforce Committee to Wilkes University in Wilkes-Barre for a field hearing on the role of higher education in job growth and development. Witnesses from Wilkes University, Empire Beauty School, Luzerne County Community College, and Lackawanna Junior College demonstrated firsthand how northeast Pennsylvania is taking strides to provide quality higher education.

Additionally, Chairman KLINE and I met with and read to a kindergarten class at Riverside Elementary East in Moosic. The reception we received from all of the students was unbelievable, and I couldn't be more appreciative of the students, teachers, and school administrators for putting such a fantastic visit together.

Also, last week I welcomed Chairman MICA, Subcommittee Chairman Shuster, and the Transportation and Infrastructure Committee to Scranton for a listening session on the future of our roads and infrastructure. The listening session helped me and other members of the committee gain a greater level of insight from local leaders with expertise and real world experience in transportation and infrastructure policy. During the listening session, we spoke about job creation, heard some examples of burdensome regulation, listened to ideas about cost-effective maintenance plans, and were briefed on public-private partnerships as new ways to build and repair Pennsylvania's roads and bridges.

Madam Speaker, the challenges we face in our district are great, but they are not unique. My friends and neighbors in Pennsylvania's 11th Congressional District are hardworking people, and I will continue to bring their voices to Washington throughout the 112th Congress.

Finally, Madam Speaker, in closing, I would like to note that we're all here today, free to talk and debate, because of the brave men and women serving in our Armed Forces. I was humbled and honored this week to attend the Purple Heart medal presentation in Hazleton to Pennsylvania Army National Guard Sergeant First Class John Leonard.

Sergeant Leonard was injured in an IED explosion in Iraq in February. It is men and women like Sergeant Leonard who make me proud to be standing freely in this House Chamber today.

□ 1030

## KOREA-U.S. FREE TRADE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maine (Mr. MICHAUD) for 5 minutes.

Mr. MICHAUD. Madam Speaker, I rise today to speak in opposition to the Korea Free Trade Agreement.

The Korea FTA is fundamentally flawed. As everyone knows, it is the same NAFTA-style agreement that hasn't worked for 17 years. This agreement will further undermine U.S. manufacturing and ship more American jobs overseas. But there are things the American people don't know about this trade deal, things that the administration hopes that they will not find out.

The administration will say that this agreement is key to increasing U.S. exports. But what they don't say is that it also increases Korea's imports, too, which will expand our trade deficit by hundreds of millions of dollars each year and cost us 159,000 American jobs.

It will also result in more underpriced goods from China being transshipped through Korea and being dumped in the United States.

The administration will say that this trade deal is important for U.S. national security. But what they don't say and talk about is the potential for it to benefit North Korea through the Kaesong Industrial Complex.

And the administration will say that they fixed the auto provisions and opened up Korea's market to all U.S. companies. But what they don't mention is the fact that they only fixed the auto provisions on paper, not in reality, and this is still a bad deal for the United States companies here in the U.S.

They don't tell the American people that this free trade agreement does nothing to stop Korea's currency manipulation. But the Treasury Department actually identified Korea as a currency manipulator in their report this February.

I have come to the floor today to make sure the American people are aware of how bad this trade deal is for the United States and how good this FTA is for China, Kim Jong Il, and South Korea.

I would urge my colleagues on both sides of the aisle to oppose this flawed NAFTA-style trade deal.

## H.R. 910, THE ''DIRTY AIR ACT''

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 5 minutes.

Mrs. CHRISTENSEN. Madam Speaker, I rise to speak out against the GOP energy agenda and H.R. 910, the Dirty Air Act.

While consumers around the Nation, including my district of the Virgin Islands, are struggling to make ends meet amidst the rising cost of energy, our colleagues across the aisle are shamelessly using scare tactics to cripple EPA's regulatory authority and gut the Clean Air Act.

H.R. 910, the Energy Tax Prevention Act, or more appropriately, the Dirty Air Act, will reverse generations of scientific advancement and does nothing to protect the everyday American. In fact, the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that the Congress has paid for.

The Academy of Sciences, a committee of many of the world's leading climate scientists and others, make the indisputable health link that these gases are injurious to our health. So I want to speak out against that agenda. As the President has recently said, we have got to work together to secure America's energy future.

The only ones who benefit from this legislation will be those who already benefit, Wall Street oil speculators and Big Oil allies here in Congress. This is nothing more than polluted politics. The American people deserve better. Let's save American jobs, invest in the green economy, and ensure a clean, not a dirty, future for the children of tomorrow.

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H.R. 910, the Energy Tax Prevention Act or more appropriately, the "Dirty Air Act" will reverse generations of scientific advancement and does nothing to protect the everyday American.

In fact the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that this Congress paid for. The Academy of Science, a committee of many of the world's leading climate scientists and others make the indisputable health link, not the EPA

administrator, yet the Republicans think they know better, or at least want the public to think so.

Well I live in a place with very high GHG emissions from both our oil refinery and public utility and we are seeing increases in asthma and the severity of it, even deaths, as well as of certain cancers. They cannot tell my constituents that those gases are not harming our health. My constituents and I believe all Americans want them regulated, we want to be healthy and we want our children's health to be protected. These gases must be regulated for the benefit of this and future generations.

The gases are clearly linked to respiratory and other diseases. All who study the impact of global temperature rise, using sound science, predict not only an increase in respiratory diseases but also heart disease and others.

This legislation is not the only attack on regulations that seek to reduce negative impacts on our health or slow down climate change and prevent us from starting the new green revolution that will create jobs and revitalize communities and our economy. All of the Republican CRs include cuts that would hinder EPA from implementing regulations that protect our health. We must not make cuts that destroy our ability to protect our health and our environment

Without a doubt, the only ones to benefit from H.R. 910 and the Republican cuts will be those who already benefit—Wall Street oil speculators and big oil allies here in Congress. As the President said recently, "We've got to work together to secure America's energy future." H.R. 910 is not a step in the right direction. This is nothing more than polluted politics. The American people deserve better. Let's save American jobs, invest in the green economy and ensure a clean—not dirty future for the children of tomorrow.

## H.R. 471, D.C. SCHOOL VOUCHER BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. Yesterday, House leadership pushed through H.R. 471. I voted ''no'' because it does nothing to create jobs, hurts public education, and adds to the national deficit.

We have been back to work in the House for 13 weeks, and for 13 straight weeks the Republican majority has done nothing to create jobs. They haven't even put a single jobs bill on the House floor. In fact, their proposed spending bill actually costs America 700,000 jobs.

Now, Speaker BOEHNER has brought his own pet project bill to the House floor that imposes his desire to privatize public education in the District of Columbia, and he doesn't even represent the District. This bill would reauthorize the failed Washington, D.C., private school voucher program and open it to new students, funneling millions in new Federal spending to private schools at taxpayer expense. And yet, for the last 5 years, the voucher program has proven to be flawed and ineffective.

The voucher program has not been successful in raising student academic achievement. It has had no impact on student motivation and engagement. The program has had no effect on student satisfaction with their schools or on whether students view their schools as safe and orderly. And voucher students were less likely to have access to important services, such as programs for English language learners, programs for students with learning problems, counseling, and tutoring. Vouchers are an experiment that has been tried and has failed.

This anti-education bill comes at a time when the Republican leadership is proposing drastic reductions in Federal spending, including a House-passed bill slashing billions from core education programs. Vouchers are not real education reform. They don't solve problems. They ignore them.

Rather than offering an empty promise for a few, we should be ensuring that every child has access to a great public school. And instead of taking money out of public schools for private schools, Congress should be investing in strategies to improve school achievement. Our focus should be on strategies proven to increase student achievement, such as increasing parental involvement, strengthening teacher training, and reducing class size. And our goal should be to prepare all students for the jobs of the future, not to allow a few students and parents to choose a private school at taxpayer expense.

When public schools are struggling and teachers are being laid off, the last thing we need is to spend scarce taxpayer funds on private schools. And that's exactly what this legislation will do. Speaker BOEHNER's bill will increase the deficit by $300 million, $300 million that could go towards making sure America's public school students and public school teachers have the resources they need to succeed. Speaker BOEHNER's bill offers no offsets. It is an ideological effort to recreate a program that was ended years ago because it did not work.

It is time for Republicans to stop playing political games with our public education and America's economic future. And so I ask my colleagues across the aisle to join with Democrats to reduce the deficit, protect our public schools, create jobs, and strengthen the middle class.

## THE PENDING FREE TRADE AGREEMENTS WITH KOREA, PANAMA, AND COLOMBIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Madam Speaker, let me ask Congress, where are you?

America's trade policy is operating as if we were still in the last century instead of the 21st. Time and again, this Congress keeps failing to grasp reality and learn from past failures. Instead, Congress keeps doing more of the same failed approach.

Now, this administration has pledged to soon submit another so-called free trade agreement, this time with Korea. There are even some in Congress who are demanding the President attach no-win agreements to Panama and Colombia at the same time. All of these agreements fail to put America in a position to win economically by creating jobs here in our country.

□ 1040

I want to remind my colleagues that these agreements are nothing more than expansions of the same failed trade policies established by NAFTA. Think about China too. Ever since those two agreements were signed, we have never had a single balanced trade agreement with those countries. These same approaches racked up another half-trillion-dollar trade deficit last year alone and all the lost jobs across our country that were outsourced as a result.

I can assure you that our trade deficits are not getting any better as a result. Year after year, the numbers tell the same story: More job loss resulting from unbalanced trade agreements. America needs reciprocity and balance and equal access to foreign markets, not surrender. Haven't the working people of America paid a high enough price yet with the diminishment of their livelihoods, loss of home values, uprooting of their families, outsourcing of their jobs, collapsed school systems, and constant worry about a more secure future? This is a fight about who is taking away those economic opportunities drop by drop here at home and how we stop the hemorrhage.

More extremist free trade agreements have given us the kind of world we inherited after NAFTA. They told us it would create millions of jobs. Instead, we have seen the manufacturing sector decimated with over 8 million lost jobs. Estimates on the number of jobs lost directly just due to NAFTA with Mexico and Canada are in the millions. Over a third of all manufacturing jobs in the United States have disappeared and been outsourced since its passage.

Our trade deficit with Mexico last year alone was over $66 billion in the red. That means hundreds of thousands of pink slips in our country. And for what? The Mexican people live in greater misery, while their wealthy have become even wealthier since NAFTA's passage. This is not a recipe for continental stability.

When Most Favored Nation status for China was rammed through here at the end of the 1990s, proponents said it would create jobs across our country. Since then, America has amassed a $2 trillion cumulative trade deficit with China—trillion—and hundreds of thousands more pink slips in our country, including in the so-called green energy sector, and more loss of production here as China demands businesses set up shop there to do business at all and then gives vast tax holidays. And there

is liberty there? No, there is Communism. America and Congress, where are you?

Next up, free trade extremists want us to pass more of the same, more of the same failed approach, by adding Korea. In the first month of this year alone, America already had racked up a $1 billion trade deficit with South Korea, and that market restricts our goods already. There is no real reciprocity. We will be lucky if we can sell 75,000 cars there under this proposed agreement. That is not going to happen, because it is not guaranteed in the agreement, yet Korea already sells nearly half a million cars here. How is this fair? How is it reciprocal? How does it hold a promise of balance, not deficit?

Then there is the potential for another trade agreement with Panama. The GAO has identified Panama as a major haven for tax avoidance. In fact, Panama is one of the most popular destinations for multinational firms to create subsidiaries, many of which exist only to help them avoid paying their fair share of taxes here in our country. Why further empty out our country? Why do we do this?

Finally, there is Colombia; Colombia, the most dangerous country in the world if you care about labor rights. Since the 1990s, over 2,000 trade unionists have been assassinated in Colombia, and in the vast majority of cases there has been no justice for the victims and their families. How can America reward this? Why should Americans lose more of their jobs for this?

When America's trade agreements have failed so vastly and cost us millions of jobs, and we haven't had balanced trade accounts in over a quarter century and our standard of living is headed down, we simply can't afford any more of these losing trade agreements. We ought to go back and renegotiate the ones that aren't working for us now. It is time for a new trade model for our country that benefits our workers and our communities for a change. America simply can't afford another NAFTA that is called Korea.

## RECESS

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

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Reverend Dr. Charles Jackson, Sr., Brookland Baptist Church, West Columbia, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, to whom the earth belongs, the fullness thereof, the world and those who dwell therein. We humbly approach Your throne of grace with hearts filled with gratitude and spirits given to praise. How thankful we are to You for Your unconditional love and how You have demonstrated Your love with compassion, care, and concern for all mankind.

Thank You for our President, Senators, Congresspersons, and all other officials of our Nation. Be pleased, dear Lord, to favor them with good health and strength, wisdom, and spiritual resources to lead our country in a manner that is pleasing and acceptable in Your sight. We pray that You will keep our great Nation under Your holy protection. May we govern in the spirit of the prophet Micah, who said to do justly, love mercy, and walk humbly with You.

Tis Your servant's prayer in the name of Jesus, the Christ. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. COFFMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. COFFMAN of Colorado led the Pledge of Allegiance as follows:

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

## REVEREND DR. CHARLES JACKSON, SR.

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

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor today, one of the greatest honors I have had in Congress, to welcome Pastor Charles Jackson, Sr., of Brookland Baptist Church, West Columbia, Lexington County, South Carolina.

Pastor Jackson is a longtime family friend of our whole family. He actually began preaching at age 9. He was licensed at age 10. He was ordained at age 12. He became pastor of the church at age 18. And now, he is the longest serving pastor in the Midlands of South Carolina, 40 years of service.

He has built a church from nearly 60 members to 7,819 members. And we are so grateful for his success. In fact, two of his members are active members and serve in the district office of the Second District of South Carolina: Earl Brown, a former deacon of the church, is our deputy director, and special assistant is Beverly Carter. So we truly identify.

There are now 65 ministries in this church; the sanctuary, 2,300 seating. He provides a credit union, a banquet facility, a foundation. It really serves the people of the Midlands of South Carolina. I am grateful to be here with my colleague, Congressman JIM CLYBURN, who also knows what an extraordinary person Pastor Jackson is.

He is also a successful family man. His wife, Robin, is here. As first lady of the church, she is a beloved person in our community. Additionally, their son Charles is pastor of the New Laurel Street Baptist Church, and we are very grateful. His daughter Candace is a graduate of Duke Law School and is a member of one of the most prominent law firms of South Carolina, Nelson, Mullins, Riley & Scarborough. Also, four grandchildren: Kayla, Charles III, Caleb, and Carter.

It is my honor to be here with Pastor Charles Jackson and thank him for giving our prayer today.

□ 1210

## WELCOMING REVEREND DR. CHARLES JACKSON, SR.

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

Mr. CLYBURN. Mr. Speaker, I would like to take just a moment to associate myself with the remarks we just heard from Congressman JOE WILSON and to welcome my longtime friend, Reverend Charles Jackson, who when we meet in the barber shop I usually call him a little something different.

I want to thank him so much for giving us the invocation here today and let him know how much I appreciate his long friendship and that of his family as well. I look forward to seeing you at Toliver's in a couple of days.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

## THE SOUTHERN BORDERLANDS PUBLIC COMMUNICATIONS ACT

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

Mr. POE of Texas. Mr. Speaker, foreign invaders are threatening the people who feed America. Recently, I was invited to the Arizona border by Congresswoman GABBY GIFFORDS' office. I met with border ranchers who live in fear each day because they don't know who or what is lurking on their land. They communicate with each other over radios.

In this remote area many times cell phones do not work. So, today I am filing legislation that is the idea of Ms. GIFFORDS. This bill is in memory of Robert Krentz, the Arizona rancher who was murdered by an illegal on his own property one year ago. Mr. Krentz is a former rancher whose family still lives in Arizona. News reports indicate Mr. Krentz was in a cell phone ''dead zone'' when he was murdered, and this bill will provide people in remote areas on the dangerous border area with cell phone service to call for help.

If the Federal Government is going to refuse to protect its citizens, the least it can do is allow the people the resources to protect themselves.

And that's just the way it is.

## THE OBAMA ENERGY PLAN

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

Mr. BLUMENAUER. Mr. Speaker, President Obama yesterday outlined four areas to curb foreign oil dependence: domestic production, natural gas vehicles, car fuel efficiency, and better use of biofuels. He could have added a fifth element, his administration's own Sustainable Communities Partnership between EPA, the Department of Transportation and HUD that has helped communities large and small provide families transportation and housing choices which conserve oil without sacrificing economic growth. This combination of smart transportation alternatives, land use and design keeps communities resilient and reduces the impact of high gas prices.

With only 2 percent of the world's oil reserves, America will never drill its way to energy independence as long as we continue to consume more than 20 percent of the world's oil. The only real way to gain independence from oil price shocks is to give families independence from oil.

## TRIBUTE TO LANCE CORPORAL CHRISTOPHER S. MEIS, USMC

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

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes from Colorado who have fought and continue to fight the global war on terror. Today, I pay tribute to one hero in particular, Marine Lance Corporal Christopher Steele Meis.

Lance Corporal Meis of Bennett, Colorado, enlisted in the Marine Corps following his graduation from Bennett High School. He was deployed in January 2011 to Afghanistan in support of Operation Enduring Freedom and served with his brothers of Second Battalion, Eighth Marines, at the tip of the spear in Helmand province. On March 17, his unit came under fire and he gave his life fighting the Taliban.

Steele comes from a family with a long tradition of military service to our Nation. He was proud to be an American and from an early age he wanted to serve his country as a Marine. He chose to become a Marine because, in his words, ''they are the best.'' He had the reputation of a stand-up guy who loved his family and his country. Like a good Marine, he was also known to be the man up front, the man leading the way.

Lance Corporal Christopher Steele Meis is a shining example of the United States Marine Corps' service and sacrifice. As a Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow Marines, and to all who knew him.

## APRIL FOOL'S DAY LEGISLATION

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

Mr. DEFAZIO. Mr. Speaker, article I, section 7.2 of the Constitution says that both Houses, this House and the Senate, must pass a bill identical and the President must sign it before it becomes a law.

Now, wait. The Republicans have a bill, we are going to take it up tomorrow, H.R. 1255, that deems that a bill that only has passed the House of Representatives, H.R. 1, has become law. Now, what happened to the fact that we were going to have to prove the constitutionality of every bill that came before the House? This blatantly violates the Constitution.

I was totally outraged, outraged, when I saw this. But then I realized, guess what? What is tomorrow? April Fool's Day. Hey, guys, you got me. Congratulations. Happy April Fool's Day. What are we really going to be doing tomorrow?

## CONGRATULATING THE GEORGE WASHINGTON PATRIOTS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to congratulate the George Washington Patriots for winning the West Virginia Class AAA boys basketball championship. The third-seeded Patriots defeated top-seeded Wheeling Park 55–54 to take home the State title. This was a special win for Coach Rick Greene, as he was part of the team that gave the school its first basketball championship 40 years ago.

In a close, intense game, the two teams battled to the end. In the final seconds, George Washington was leading 55–52 when Wheeling Park hit what looked to be a three-pointer. However, a review of the shot showed that it was only a two-pointer and George Washington won. Quite a finish.

Having two boys who grew up playing basketball in West Virginia for Coach Greene, I have seen both the faces of elation and anguish. A game as competitive and well-fought as this shows the heart and dedication these young men and their coaches put in all season to get to this game. I want to congratulate both teams for tremendous seasons and for giving us such a memorable game.

Congrats to Gee-Dub.

## CONGRATULATING COACH BOB HURLEY, JR.

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

Mr. SIRES. Mr. Speaker, I rise today to congratulate Coach Bob Hurley of Jersey City, New Jersey. Some may know Coach Hurley as the third high school career basketball coach to be inducted into the Basketball Hall of Fame.

Some may know that despite limited resources and no gym facility at St. Anthony High School in Jersey City, New Jersey, he recently led St. Anthony High School's basketball team to their 24th State championship and fourth national title, and has led the team to over 1,000 wins.

However, the more important numbers are those that show the impact he has had on his players. In his nearly 40-year career, only two of his players have not attended college, and of those graduates, over 200 young men have continued to play basketball and 150 have received college scholarships.

Coach Hurley sees the potential in his players, even when they don't see it themselves. He is an inspiration to young men, a true role model, and a father figure to many.

I congratulate Coach Hurley, his players, and St. Anthony High School on their recent national title and wish them well and much success in the future.

□ 1220

## ESSENTIAL AIR SERVICE FUNDING

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

Mr. MCKINLEY. Mr. Speaker, this week, the House will consider the fate of crucial funding for commercial flights to and from airports in Morgantown, Clarksburg, and Parkersburg in my home State of West Virginia. West Virginia is a rural State without major population centers, and its employers need and deserve an adequate transportation infrastructure. Access to air transportation is essential to achieving economic growth. The I–79 corridor, for instance, has a large presence of Federal, defense, and high-tech workers, in part because of daily flights to and from Washington, D.C. North Central West Virginia Airport in Bridgeport accounted for 2,372 jobs and $395 million in economic impact in 2008.

Cutting spending is necessary to bring down the deficit and create certainty for job creators. But our local airports are part of what provides certainty for area businesses. Let's make

this airport funding program more efficient by throwing out what is wasteful but keeping what works.

## RECOGNIZING MARIA T. SOLIS-MARTINEZ

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

Ms. LORETTA SANCHEZ of California. I rise today to recognize an amazing woman, a woman from the city of Anaheim in my district, Mrs. Maria T. Solis-Martinez, in honor of Women's History Month. Mrs. Solis-Martinez is a retired United States Air Force Master Sergeant who served during the Vietnam era from 1960 to 1967. In 1974, she joined the California Air National Guard and continued her commitment to serving our country in the 261st and the 222nd Combat Communications Squadrons.

I'm truly proud to have such an extraordinary woman in my hometown. She is a mentor and a friend, and she's always working for the community. For over 10 years, she has been an active member sponsor of the Latino Advocates for Education, Inc., an organization that brings awareness and recognition to the contributions of Latino military veterans in all the wars fought by the United States. She continues to devote endless hours volunteering with the Girl Scouts Council of Orange County, North Orange County YWCA Youth Employment Service, and so many other organizations, mentoring young girls to become talented, distinguished women.

As we honor Women's History Month and Women in the Military History Week, I proudly recognize Mrs. Maria Solis-Martinez for her incredible leadership and for being such a great role model.

## MISPLACED PRIORITIES

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

Mr. CARNEY. Mr. Speaker, I rise today to object once again to the majority's misplaced priorities during these difficult times for American families. As a result of the financial crisis in 2008, more than 7 million Americans lost their jobs, and more than 9 million Americans have faced foreclosure. In my small State of Delaware, 6,000 people filed for foreclosure last year, which is three times the norm. As Lieutenant Governor, I chaired a foreclosure prevention task force in Delaware. We learned that the best way to help homeowners was through a combination of private and public sector efforts.

It's just unbelievable to me that this House voted to end foreclosure prevention programs which for thousands of families are the last chance to keep their homes. Let's remember that we are still recovering from the worst financial crisis since the Great Depression, and the housing market is still floundering. Allowing more families to lose their homes just makes things worse. So this debate is not just about helping individual families, as important as that is. It's also about strengthening the economic recovery now underway.

## RECKLESS SPENDING PROPOSALS

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

Ms. CASTOR of Florida. Mr. Speaker, I rise today to urge my colleagues to continue to focus on creating jobs and the economic recovery. I am very concerned with the reckless GOP spending proposal that will slash jobs all across the United States of America, and I want to give two examples that were highlighted by my local Urban League that visited Washington yesterday from Pinellas County, or St. Petersburg, Florida.

They said the Republican spending proposal will actually cut 9,100 teachers, teachers' aides, and education jobs if it goes into effect. I think that's wrong. We shouldn't be slashing jobs. We should be fighting to create jobs. They also highlighted the fact that H.R. 1 will slash the Pell Grant for 9.4 million college students all across America. Their proposed cut is $845 per student. That is wrong.

We must remain invested in education, our teachers, our students. We've got to fight for each and every job in the face of the GOP reckless spending proposal and misguided priorities.

## HONORING ELIZABETH KEARNEY

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

Mr. WALZ of Minnesota. I rise today to honor a remarkable woman. This weekend, those who love and admire Elizabeth Kearney will gather in Mankato, Minnesota, to celebrate her life. She passed away last Saturday at a very vibrant 96. She was a trailblazer in countless ways. She graduated with a degree in medical technology from the University of Minnesota in 1936. After her husband, Wynn, completed his residency in Rochester, Minnesota, they moved to Mankato, where they raised five children and became pillars of our community.

The Mankato Free Press reported that she was a devoted mother who cherished family above all else and was so active in the community. She was a friend, a mentor, and a role model. Her daughter Ann and her sons Wynn and Mike and their wives, Ginette and Jane, are still an important force in our community. She founded the Women's Leadership Development Program at the YWCA, served on the Mankato Rehabilitation Center board, started the cultural exchange program at the University of Minnesota, Mankato, and served on so many countless organizations.

The Free Press summed it up: ''Elizabeth was the personification of grace, humility, kindness, and generosity, and a day didn't pass without her touching someone's life in her special way.'' Elizabeth will be deeply missed not only by her family but by so many of us in the community who admired her commitment to causes greater than herself.

## JOB-KILLING SPENDING PLAN

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

Mr. MORAN. Mr. Speaker, private sector employment went up by 200,000 people this month. But unemployment remains stubbornly high. A principle reason for this is the job cuts in the public sector. This past month, public sector jobs were lost at an annual rate of a quarter million people. These people also have mortgages to pay, college kids to educate, car payments to make, and the like. They matter to our economy.

Over the last 2 years, more than 200,000 teachers have been laid off, while student enrollment has increased by 750,000. We're told that H.R. 1 would eliminate another 9,000 teacher jobs. In Detroit, classroom size has gone up to 60 students per classroom in middle school, the toughest years to maintain discipline and enhanced knowledge. Now we're told we may have a compromise on H.R. 1 that will cut only 300,000—not 700,000—public sector jobs.

It's inconsistent at best, hypocritical at worst, for the Republican majority in this House to suggest they care about jobs while at the same time they're eliminating hundreds of thousands of them.

□ 1230

## THE REPUBLICAN MAJORITY'S RECKLESS SPENDING PLAN

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

Mr. YARMUTH. Mr. Speaker, the cloud hanging over this Chamber is the threat of a government shutdown. We are engaged in what is literally a life-or-death debate about our priorities as a country, and the Republican majority's reckless spending plan doesn't just betray our national values, it highlights their values.

They are demanding cuts to financial aid for students and assistance to homeless veterans or they'll shut the government down. They want to slash heating assistance for low-income seniors or they'll shut the government down. They're even demanding we sacrifice the needs of police officers, firefighters, nurses, seniors, and even pregnant women. And on top of all that,

they're fighting to protect billions in tax breaks for Wall Street and oil companies or they'll shut the government down.

In other words, they demand sacrifices from everyone except millionaires, billionaires, and their corporate benefactors. That's why I think we ought to call the reckless GOP spending plan ''good old payback.''

Mr. Speaker, we cannot let politics and corporate profits trump smart and compassionate policy and the well-being of our Nation. I urge my colleagues to reject these demands and fight to create a government and an economy that works for all Americans, not just the wealthy few.

## LET'S WORK TOGETHER TOWARDS SMART CUTS

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

Ms. HANABUSA. Mr. Speaker, we have got to get ahold of reality. We have got to ask: What is it? What is it that we're doing when we're not able to come to a CR? Look at what we're telling the people. And worse than anything else, we are defeating the main purpose for which we are here.

We're here to build public confidence. We're here to make people feel good that we know what we're doing and that there is a bright future for all of us. Instead, the majority is proposing yet another series of budget cuts.

Cuts, yes, we must get our budget under control, but we must do it smartly. And somehow that message isn't getting through.

Two economists said that the cuts are shortsighted. Budget cuts to human capital, our infrastructure, the next generation of scientific and technological advances do nothing for us. As a matter of fact, those are going to set us back.

Mr. Speaker, please, what we need to do, what the majority needs to do, is to say, yes, cuts, but smart cuts. And let's work together towards smart cuts.

## APRIL FOOLS AND THE REPUBLICAN SPENDING CUTS

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

Mr. PERLMUTTER. Mr. Speaker, as one of the previous Members on the Democratic side talked about, tomorrow is April Fools. April 1, April Fools. The Republicans would like to have everybody believe that a bill that just passed the House but has never passed the Senate, never been signed by the President, is going to become law. I mean, we all know from our civics class that just isn't what the Constitution says, but they'd like us to believe that.

Now, that's a bad enough joke on America, but the real bad joke is what's in that bill. We're finally starting to get this country on its feet economically. We're starting to make things in America again. Manufacturing is on the rise. But they'd like to see that cut. They want to cut our research into clean energy, which, in Colorado, for every job that we have in research, there are four private sector jobs. They want to cut that. That's the bad joke that's coming up on April Fools.

The cuts that they ask really pull the rug right out from under the feet of America, and we've got to stop it.

## THE DREAM ACT CHILDREN

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand today to ask my colleagues to help American families and children.

I join my good friend Congressman LUIS GUTIERREZ on acknowledging the many children, the talented children that are in our schools that deserve the best education, along with all of our children who happen to have been in this country most of their lives but they're undocumented. They are called the DREAM Act children, the children who are our future engineers and doctors, teachers and train workers, bus workers—people who help build America.

It is time now to support comprehensive immigration reform. It's time now to distinguish between the bad guys, whom all of us want to be see deported, versus these young children who are valedictorians and salutatorians, who are athletes, who are men and women in the United States military, who are seeking to be part of the pillars of this community. I want to join in standing alongside these American families and children, not to break up families who are raising wonderful Americans but yet are not statused because of the way their families came to seek an opportunity.

Comprehensive immigration reform is the answer, but we must protect the DREAM Act children.

## GOP AGENDA OF MISGUIDED PRIORITIES

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

Mr. PAYNE. Mr. Speaker, my Republican colleagues made a ''pledge to America'' to develop a plan to ''create jobs, end economic uncertainty, and make America more competitive.''

Yet, to date, Republicans have not produced a single job-creating measure. In fact, they have done just the opposite. First-time jobless claims increased by 5,000 last week, and the total number of people receiving benefits fell to its lowest level in 3 years. The February job report showed gains of 192,000 jobs and a drop in the unemployment rate to 8.9 percent.

Still ignoring the facts that the experts have said, the needs of their constituents, and basic logic, Republicans continue to embrace a plan that would hamper our economic progress, depress our growth and development. This misguided job-killing spending plan is estimated to eliminate 800,000 jobs and reduce economic growth by 2 percent.

This is irresponsible, unacceptable, and I urge my Republican colleagues to abandon this job-killing spending campaign and adopt a reasonable agenda to support economic development and job growth.

## APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 5, 2011, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 112th Congress:

Mr. BISHOP, Utah
Mrs. BLACKBURN, Tennessee
Mr. CRENSHAW, Florida
Mr. LATHAM, Iowa
Mr. SIMPSON, Idaho
Mr. WALDEN, Oregon
Mr. OLSON, Texas
Mr. LATTA, Ohio
Mr. GRIFFIN, Arkansas
Mr. GRIMM, New York

## QUESTION OF PERSONAL PRIVILEGE

Mr. KUCINICH. Mr. Speaker, pursuant to rule IX, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Ohio is recognized for 1 hour.

Mr. KUCINICH. Mr. Speaker, the critical issue before this Nation today is not Libyan democracy; it is American democracy. In the next hour, I will describe the dangers facing our own democracy.

The principles of democracy across the globe are embodied in the U.N. Charter, conceived to end the scourge of war for all time. The hope that nations could turn their swords into plowshares reflects the timeless impulse of humanity for enduring peace and, with it, an enhanced opportunity to pursue happiness.

We are not naive about the existence of forces in the world which work against peace and against human security.

□ 1240

But it is our fervent wish that we should never become like those whom we condemn as lawless and without scruples, for it is our duty as members

of a democratic society to provide leadership by example, to not only articulate the highest standards but to walk down the path to peace and justice with those standards as our constant companions. Our moral leadership in the world depends chiefly upon the might and light of truth and not shock and awe and the ghastly glow of our 2,000-pound bombs.

Mr. Speaker, our dear Nation stands at a crossroads. The direction we take will determine not what kind of nation we are but what kind of nation will we become.

Will we become a nation which plots in secret to wage war?

Will we become a nation which observes our Constitution only in matters of convenience?

Will we become a nation which destroys the unity of the world community, which has been painstakingly pieced together from the ruins of World War II, a war which itself followed a war to end all wars?

Now, once again, we stand poised at a precipice, forced to the edge by an administration which has thrown caution to the winds and our Constitution to the ground.

It is abundantly clear from a careful reading of our Declaration of Independence that our Nation was born from nothing less than the rebellion of the human spirit against the arrogance of power. More than 200 years ago, it was the awareness of the unchecked arrogance of George III that led our Founders to carefully and deliberately balance our Constitution, articulating the rights of Congress in article I as the primary check by our citizens against the dangers they foresaw for our Republic. Our Constitution was derived from the human and political experience of our Founders, who were aware of what happens when one person took it upon himself to assume rights and privileges which placed him above everyone else.

''But where,'' asked Tom Paine in his famous tract ''Common Sense,'' ''is the king of America?''

''I'll tell you, friend. He reigns above, and doth not make havoc of mankind like the royal of Britain. So far as we approve of monarchy, that in America the law is king; for as in absolute governance the king is law, so in free countries the law ought to be king, and there ought to be no other,'' said Thomas Paine in ''Common Sense.''

The power to declare war is firmly and explicitly vested in the Congress of the United States, under article I, section 8 of the Constitution. That is the law. The law is king.

Let us make no mistake about it. Dropping 2,000-pound bombs and unleashing the massive firepower of our Air Force on the capital of a sovereign state is in fact an act of war, and no amount of legal acrobatics can make it otherwise. It is the arrogance of power which former Senator from Arkansas J. William Fulbright saw shrouded in the deceit which carried us into the abyss of another war in Vietnam.

My generation was determined that we would never see another Vietnam. It was the awareness of the unchecked power and arrogance of the executive which led Congress to pass the War Powers Act. Congress, through the War Powers Act, provided the executive with an exception to unilaterally respond only when the Nation was in actual or imminent danger to repel sudden attacks.

Mr. Speaker, today, we are in a constitutional crisis because we have an administration that has assumed for itself powers to wage war which are neither expressly defined nor implicit in the Constitution nor permitted under the War Powers Act. This is a challenge not just to the administration but to this Congress, itself.

A President has no right to wrest that fundamental power from the Congress, and we have no right to cede it to him. We, Members of Congress, can no more absolve a President of his responsibility to obey this profound constitutional mandate than we can absolve ourselves of our failure to rise to the instant challenge to our Constitution that is before us today. We violate our sacred trust to the citizens of the United States and our oath to uphold the Constitution if we surrender this great responsibility and through our inaction acquiesce in another terrible war. We must courageously defend the oath we took to defend the Constitution of the United States or we forfeit our right to participate in representative government.

How can we pretend to hold other sovereigns to fundamental legal principles if we do not hold our own Presidents to fundamental legal principles here at home?

We are staring not only into the maelstrom of war in Libya; the code of behavior we are establishing sets a precedent for the potential of evermore violent conflicts in Syria, Iran, and the specter of the horrifying chaos of generalized war throughout the Middle East. Our continued occupation of Iraq and Afghanistan makes us more vulnerable, not less vulnerable, to being engulfed in this generalized war.

In 2 years, we have moved from President Bush's doctrine of preventive war to President Obama's assertion of the right to go to war without even a pretext of a threat to the Nation. This administration is now asserting the right to go to war because a nation may threaten force against those who have internally taken up arms against it.

□ 1250

Keep in mind, our bombs began dropping even before the United Nations International Commission of Inquiry could verify allegations of murder of noncombatant civilians by the Qadhafi regime. The administration deliberately avoided coming to Congress and, furthermore, rejects the principle that Congress has any role in this matter.

Yesterday, we learned that the administration would forge ahead with military action even if Congress passed a resolution constraining the mission. This is a clear and arrogant violation of our Constitution. Even a war launched ostensibly for humanitarian reasons is still a war, and only Congress can declare war.

Mr. Speaker, we saw in the President's address to the Nation on March 28 how mismatched elements are being hastily stitched together into a new war doctrine. Let's review them: number 1, an executive privilege to wage war; number 2, war based on verbal threats; number 3, humanitarian war; number 4, preemptive war; number 5, unilateral war; number 6, war for regime change; number 7, war against a nation whose government this administration determines to be illegitimate; number 8, war authorized through the U.N. Security Council; number 9, war authorized through NATO and the Arab League; and, finally, war authorized by a rebel group against its despised government. But not a word about coming to the representatives of the people in this, the United States Congress, to make this decision.

Mr. Speaker, at this very moment, thousands of sailors and marines are headed to a position off the coast of Libya. The sons and daughters of our constituents willingly put their lives on the line for this country. We owe it to them to challenge a misguided and illegal doctrine which could put their lives in great danger, for we have an obligation to protect our men and women in uniform as they pledge to defend our Nation.

This administration's new war doctrine will not lead to peace but to more war, and it will stretch even thinner our military. In 2007, the Center for American Progress released a report on the effects of war in Iraq and Afghanistan and the multiple, multiple deployments of our Armed Forces. The report cited a lack of military readiness. It cited high levels of posttraumatic stress and suicide. The report was released just before President Bush's surge in Iraq, just 1 year after the surge in Afghanistan. And after 8 years of war in Iraq, the President commits an all-volunteer Army to another war of choice. If the criteria for military intervention in another country is government-sponsored violence and instability, overcommitment of our military will be virtually inevitable and, as a result, our national security will be undermined.

It is clear that the administration planned a war against Libya at least a month in advance, but why? The President cannot say that Libya is an imminent or actual threat to our Nation. He cannot say that war against Libya is in our vital interests. He cannot say that Libya had the intention or capability of attacking the United States of America. He has not claimed that

Libya has weapons of mass destruction to be used against us.

We're told that our Nation's role is limited; yet, at the same time, it is being expanded. We've been told that the administration does not favor military regime change, but then they tell us the war cannot end until Qadhafi is no longer the leader. Further, 2 weeks earlier, the President signed a secret order for the CIA to assist the rebels who are trying to oust Qadhafi.

We're told that the burdens of war in Libya would be shared by a coalition, but the United States is providing the bulk of the money, the armaments, and the organizational leadership. We know that the war has already cost our Nation upwards of $600 million and we're told that the long-term expenses could go much, much further. We're looking at spending additional billions of dollars in Libya at a time when we can't even take care of our people here at home.

We're told that the President has legal authority for this war under United Nations Security Council Resolution 1973, but this resolution specifically does not authorize any ground elements. Furthermore, the administration exceeded the mandate of the resolution by providing the rebels with air cover. Thus, the war against Libya violated our Constitution and has even violated the very authority which the administration claimed was sufficient to take our country to war.

We're told that the Qadhafi regime has been illegitimate for four decades, but we're not told that in 2003 the U.S. dropped sanctions against Libya. We're not told that Qadhafi, in an effort to ingratiate himself with the West in general and with America specifically, accepted a market-based economic program led by the very harsh structural adjustment remedies of the IMF and the World Bank.

□ 1300

This led to the wholesale privatization of estate enterprises, contributing to unemployment in Libya rising to over 20 percent.

CNN reported on December 19, 2003, that Libya acknowledged having a nuclear program, pledged to destroy weapons of mass destruction, and pledged to allow international inspections. This was a decision which President George W. Bush has praised, saying Qadhafi's actions ''made our country and our world safer.''

We're told that Qadhafi is in breach of the U.N. Security Council resolutions, but now our own Secretary of State is reportedly considering arming the rebels, an act which would be a breach of the United Nations Security Council resolution which established an arms embargo. We are told that we went to war at the request of and with the support of the Arab League. But the Secretary-General of the Arab League, Amr Moussa, began asking questions immediately after the imposition of the no-fly zone, stating that what was happening in Libya, ''differs from the aim of imposing a no-fly zone. What we want is the protection of civilians and not the shelling of civilians.'' Ban Ki-moon, the U.N. Secretary-General, has also expressed concern over the protection of civilians, even as allied bombing continued during the international conference on Libya in England this week, stating, ''The U.N. continues to receive deeply disturbing reports about the lack of protection of civilians, including various abuses of human rights by the parties to the conflict.'' He was alluding to possible human rights abuses by Libyan rebel forces. Even the Secretary-General of NATO, an organization which the United States founded and generally controls, expressed concern, saying, ''We are not in Libya to arm people but to protect people.'' So I ask, is this truly a humanitarian intervention? What is humanitarian about providing to one side of the conflict the ability to wage war against the other side of a conflict, which will inevitably trigger a civil war, making all of Libya a graveyard?

The administration has told us, incredibly, they don't really know who the rebels are, but they are considering arming them, nonetheless. The fact that they are even thinking about arming these rebels makes one think the administration knows exactly who the rebels are. While a variety of individuals and institutions may comprise the so-called opposition in Libya, in fact, one of the most significant organizations is the National Front for the Salvation of Libya, along with its military arm, the Libyan National Army. It was the National Front's call for opposition to the Qadhafi regime in February which was the catalyst of the conflict which precipitated the humanitarian crisis which is now used to justify our intervention.

But I ask, Mr. Speaker, how spontaneous was this rebellion? The Congressional Research Service in 1987 analyzed the Libyan opposition. Here's what the Congressional Research Service wrote: ''Over 20 opposition groups exist outside Libya. The most important in 1987 was the Libyan National Salvation Front, formed in October 1981.'' This National Front ''claimed responsibility for the daring attack on Qadhafi's headquarters at Bab al Aziziyah on May 8, 1984. Although the coup attempt failed and Qadhafi escaped unscathed, dissident groups claimed that some 80 Libyans, Cubans, and East Germans perished.'' Significantly, the CRS cited various sources as early as 1984 which claim, ''The United States Central Intelligence Agency trained and supported the National Front before and after the May 8 operation.'' By October 31, 1996, according to a BBC translation of Al-Hayat, an Arabic journal in London, a Colonel Khalifa Haftar, who is leader of this Libyan National Army, the armed wing of the National Front, was quoted as saying, ''Force is the only effective method for dealing with Qadhafi.''

Now follow me to March 26, 2011. The McClatchy Newspapers reported, ''The new leader of Libya's opposition military left for Libya 2 weeks ago,'' apparently around the same time the President signed the covert operations order. And I am making that observation. The new leader spent the past two decades of his life in Libya? No. In suburban Virginia, where he had no visible means of support. His name, Colonel Khalifa Haftar. One wonders when he planned his trip and who is his travel agency?

Congress needs to determine whether the United States, through previous covert support of the armed insurrection, driven by the American-created National Front, potentially helped create the humanitarian crisis that was used to justify military intervention. We need to ask the question. If we really want to understand how our constitutional prerogative for determining war and peace has been preempted by this administration, it is important that Congress fully consider relevant events which may relate directly to the attack on Libya.

Consider this, Mr. Speaker: On November 2, 2011, France and Great Britain signed a mutual defense treaty which included joint participation in Southern Mistral, a series of war games outlined in the bilateral agreement and surprisingly documented on a joint military Web site established by France and Great Britain.

□ 1310

Southern Mistral involved a long range conventional air attack called Southern Storm against a dictatorship in a fictitious southern country called Southland in response to a pretend attack. The joint military air strike was authorized by a pretend United Nations Security Council resolution. The composite air operations were planned, and this is the war games, for the period of March 21 through 25, 2011.

On March 20, 2011, the United States joined France and Great Britain in an air attack against Libya, pursuant to U.N. Security Council Resolution 1973.

So the questions arise, Mr. Speaker, have the scheduled war games simply been postponed, or are they actually under way after months and months of planning under the named of Operation Odyssey Dawn?

Were operation forces in Libya informed by the U.S., the U.K. or France about the existence of these war games, which may have encouraged them to actions leading to greater repression and a humanitarian crisis?

In short, was this war against Qadhafi's Libya planned, or was it a spontaneous response to the great suffering which Qadhafi was visiting upon his opposition? Congress hasn't even considered this possibility.

NATO, which has now taken over enforcement of the no-fly zone, has morphed from an organization which pledged mutual support to defend North Atlantic states from aggression.

They've moved from that to military operations reaching from Libya to the Chinese border in Afghanistan. North Atlantic Treaty Organization.

We need to know, and we need to ask what role French Air Force General Abrial and current supreme allied commander of NATO for transformation may have played in the development of operation Southern Storm and in discussions with the U.S. and the expansion of the U.N. mandate into NATO operations.

What has been the role of the U.S. African Command and Central Command in discussions leading up to this conflict?

What did the administration know, and when did they know it?

The United Nations Security Council process is at risk when its members are not fully informed of all the facts when they authorize a military operation. It is at risk from NATO, which is usurping its mandate, the U.N. mandate, without the specific authorization of U.N. Security Council Resolution 1973.

Now, the United States pays 25 percent of the military expense of NATO, and NATO may be participating in the expansion in exceeding the U.N. mandate.

The United Nations relies not only on moral authority, but on the moral cooperation of its member nations. If America exceeds its legal authority and determines to redefine international law, we journey away from an international moral order and into the amorality of power politics where the rule of force trumps the rule of law.

What are the fundamental principles at stake in America today? First and foremost is our system of checks and balances built into the Constitution to ensure that important decisions of state are developed through mutual respect and shared responsibility in order to ensure that collective knowledge, indeed, the collective wisdom of the people is brought to bear.

Two former Secretaries of State, James Baker and Warren Christopher, have spoken jointly to the ''importance of meaningful consultation between the President and Congress before the Nation is committed to war.''

Our Nation has an inherent right to defend itself and a solemn obligation to defend the Constitution. From the Gulf of Tonkin in Vietnam to the allegations of weapons of mass destruction in Iraq, we've learned from bitter experience that the determination to go to war must be based on verifiable facts carefully considered.

Finally, civilian deaths are always to be regretted, but we must understand from our own Civil War more than 150 years ago that nations must resolve their own conflicts and shape their own destiny internally. However horrible these internal conflicts may be, these local conflicts can become even more dreadful if armed intervention in a civil war results in the internationalization of that conflict. The belief that war is inevitable makes of war a self-fulfilling prophecy.

The United States, in this new and complex world racked with great movements of masses to transform their own government, must, itself, be open to transformation away from intervention, away from trying to determine the leadership of other nations, away from covert operations to manipulate events, and towards a rendezvous with those great principles of self-determination which gave birth to our Nation.

In a world which is interconnected and interdependent, in a world which cries out for human unity, we must call upon the wisdom of our namesake, our Founder, George Washington, to guide us in the days ahead. He said: ''The Constitution vests the power of declaring war in Congress. Therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such measure.''

Washington, whose portrait faces us every day as we deliberate, also had a wish for the future America. He said: ''My wish is to see this plague of mankind, war, banished from the Earth.''

I yield back the balance of my time.

□ 1320

## PROVIDING FOR CONSIDERATION OF H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. WEBSTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts, my good friend, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill.

House Resolution 189 provides for a structured rule for the consideration of H.R. 658, the FAA Reauthorization and Reform Act of 2011. The rule provides for ample debate and opportunities for Members of the minority and majority to participate in the debate.

This structured rule has made in order dozens of amendments on a wide range of provisions in this bill, but also in transportation policy in general.

In addition to the 1 hour of equally divided general debate on the bill, the rule has made 33 amendments in order, including 18 amendments from the minority, 12 from the majority, and three bipartisan amendments. Of the 24 amendments offered by the minority, 21 were made in order by this rule.

I point out the number of amendments made in order by this rule by specificity because it is so unusual. The last long-term FAA reauthorization passed Congress in 2007, and the rule for that bill allowed for only five amendments to be debated on the floor.

Since the last long-term FAA reauthorization expired, Congress has passed 18 short-term extensions, and never once has any of the rules allowed for any amendment of any kind to be debatable on this floor.

While many at home may assume that when the House debates something as important as the aviation system, their Member of Congress is given the opportunity to offer and submit ideas and debate those ideas on this floor, it has not been the case in recent years.

Today, we will likely hear from Members of the minority insisting that the underlying bill contains inadequate funding, despite the fact that our Nation is facing a $1.6 trillion deficit and we should be tightening our belts just like families across America are doing.

We may hear Members from the other side of the aisle complaining that the legislation eliminates government subsidized ''essential'' air services to rural areas of America, despite skyrocketing costs to taxpayers during an already stressful economic time.

And we may also hear from colleagues that suggest that the legislation contains a poison pill provision on rewriting union election rules, despite those rules being in place and overwhelmingly effective for the last 70 years.

To those complaints, I would specifically and simply ask and suggest: Vote for the rule. The rule allows for amendments to debate alternatives of all kinds to the base bill, to be debated and heard on this floor. To me, that is a good thing.

□ 1330

To be sure, some of the above issues are addressed by amendments, those issues I just mentioned, and they are all going to be debated shortly, as soon as we pass this rule and begin debate on the bill.

So, if you have any concerns with the bill, I would implore my colleagues to support the rule which allows for those concerns to be debated by the duly elected Members of this body. Amendments will pass or fail based on the merits of arguments made by proponents and opponents of these ideas, and if at the end of the process the Members are still not satisfied with the final product, they can vote against it.

However, to vote against the rule, which would allow this debate to take place, suggests satisfaction with the underlying bill as it is currently written. And I would understand that position, because I support the bill as well. I support passing a 4-year extension that would allow for long-term aviation system planning instead of a merely short-term cookie-cutter fix that accomplishes very, very little.

I support tightening our belt and rolling back funding to 2008 levels to save taxpayers $4 billion over the next several years.

I support consolidating aging, obsolete and unnecessary FAA facilities and expanding the cost-effective contract tower program, which allows airports to utilize privately operated, more efficient control towers.

I support passing a reauthorization that is 100 percent free of earmarks, tax increases or passenger facility charges. And the list goes on.

But most importantly, this debate we have here on the floor right now is for this particular rule. If you don't support these things, the rule allows Members to bring alternative proposals before this House for an open and honest debate.

So, once again, Mr. Speaker, I rise to support this rule and the underlying legislation. The committees of jurisdiction have worked to provide us a long-term reauthorization that can streamline the modernization of our aviation system while ending the practice of short-term fixes when it comes to funding this crucial service. I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. WEBSTER) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, here we go again. Instead of bringing meaningful legislation to create jobs to the floor of the House of Representatives, the new Republican majority continues to show just how out of touch they are. Two weeks ago, it was cutting off funding for National Public Radio. Yesterday, it was private school vouchers in Washington, D.C. But today's bill is even worse, because this bill will actually destroy jobs.

H.R. 658 starts by reducing the Federal Aviation Administration's funding back to the Republicans' favorite sound bite number of FY 2008 levels. We know that every $1 billion of Federal investment in infrastructure creates or sustains approximately 35,000 jobs. That is 35,000 Americans who can pay their mortgages and stay in their homes, 35,000 Americans that can better afford to put their kids through college, 35,000 Americans that could help our economy to recover.

Instead, H.R. 658 cuts almost $2 billion from the Airport Improvement Program, which provides grants to airports for constructing and improving runways and terminals. This provision alone will cost us 70,000 jobs over the course of this 4-year authorization period.

H.R. 658's reduced funding levels will result in the layoffs of hundreds of safety inspectors, engineers and support personnel. These drastic cuts will also delay transitioning our outdated air traffic control system to the modern NextGen system. Without 21st century infrastructure and technology, the United States cannot keep up with our global competitors. It is just that simple.

Mr. Speaker, in the past, the FAA reauthorization bills have garnered a great deal of bipartisan support. Unfortunately, this time is very different because, in addition to the inadequate funding levels, this bill continues an emerging and disturbing Republican trend toward destroying the collective bargaining rights for American workers. From Wisconsin to Ohio to Maine, we have seen how Republican politicians are attempting to destroy a century of hard-fought labor protections. This bill represents more of the same.

This bill would reverse a National Mediation Board rule that allows a majority of those voting in aviation and rail union elections to decide the outcome. Instead, tea party extremists want to count workers who chose not to vote as automatic ''noes'' against the union.

I wonder if my friends on the other side of the aisle would be willing to use that same standard in congressional elections? I wonder if they would agree that every registered voter who didn't vote, for whatever reason, last November would automatically be counted as a ''no'' vote against them? I doubt it, because in the 2010 midterm elections, 40.9 percent of eligible voters cast ballots nationwide.

Under the standard in this bill, not a single current Member of Congress would have won election last year. Not one. Let me make this a little more clear. Neither I nor my colleague from the other side of the aisle, the new Member representing the Eighth District of Florida, would be standing here today if this undemocratic standard is enacted. In fact, my friend from Florida would have received only 23.1 percent of the vote, well below the 50 percent threshold included in this bill that he supports today.

I ask my friend from Florida, where in the Constitution does it say that any registered voter who doesn't cast a vote in an election has their vote counted as a ''no''? If this standard doesn't make sense for Members of Congress, if we are unwilling to use it on ourselves, then it isn't fair for working people trying to organize.

Mr. Speaker, this bill, unfortunately, abandons a long and proud tradition of bipartisanship on the Transportation Committee, which I am honored to say I once had the privilege of serving on, and I urge my colleagues to reject this rule.

By the way, we have yet to have a truly open rule in this Congress. Notwithstanding the promises that we would see nothing but open rules, we have yet to have a single truly open rule. So I urge my colleagues to reject this rule and the underlying bill.

I reserve the balance of my time.

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I will say this: I came here to talk about the rule. I didn't come here to talk necessarily about the underlying bill, although I do support the underlying bill. The rule is what is before us right now, not necessarily the policy that is underneath

it. We will be discussing that. There will be amendments offered that could change many of the things spoken of by my good friend from Massachusetts.

But I ran for election to this House of Representatives based on the fact that I told people America is not broken; Washington is. One of the things that was broken in Washington was the process. The process that I saw, the process that was inherited by our own Speaker, was a process based on a pyramid of power, and that pyramid of power was so high, it was as high as the Space Needle, probably, and a few people at the top of that pyramid are the ones that made the decision, not anyone else.

So why were there so many closed rules? Because the pyramid of power said this is what we're going to do and this is what you've got to do, and you've got to go vote, unfortunately. That is what I came here to change, and I think the Speaker did, too, and he created a process by which there were amendments offered on the floor of this House on these bills so people can address the problems that they have.

So he has pushed down the pyramid of power and spread out the base so every single Member had an opportunity to file an amendment, and almost every one of those were made available to be used on the floor of this House by this rule. It was done because we want the membership, as the Speaker has said, he wants this to be the people's House. He wants the people to have an opportunity to have their Member heard on particular issues and particular amendments.

Yes, there will be debate on this bill, there will be debate on the underlying measure, and we will be talking about that and I will be voting for that. But that is not what we are here to talk about right now, and, that is, there is a process. It was broken, and we are doing everything we can to fix it. This rule helps do that.

This rule is a rule that allows for open and honest debate on amendments, on the bill itself, and, to me, that is a great improvement over where we have been in the past. So push down that pyramid of power. Spread out the base. Let every Member be a player. Do it by voting for this rule.

I would now yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

I want to begin by congratulating the gentleman from Florida (Mr. WEBSTER). I understand this is the first rule he is managing, and you're doing a brilliant job so far. Hopefully that will be the case for the next 50 minutes as well.

I want to also congratulate Chairman DREIER and the Rules Committee for coming up with this rule. I have been here in the minority, I have been here in the majority, and the 33 amendments made in order under this rule beat by 28 the number made in order when we last considered this piece of legislation. So congratulations to you.

□ 1340

Sadly, I think for my friends in my party, one of the amendments made in order is mine. And it's what's caused me—although I fully support the rule; I'm going to vote for the rule—it's what causes me some angst relative to the bill.

I have to give a little bit of context and history. I was on the Transportation Committee when the first reauthorization of this bill was supposed to take place. This bill hadn't been reauthorized since 2003. This bill is about America's future because, among other things, it takes our air traffic control system from ground-based radar to satellite-based so that we can do a lot of wonderful things and continue to be the world leader. So we need to get this bill done.

But a funny thing keeps happening to this bill on the way to the bank, I guess. We first had a fight between Federal Express and UPS. It really doesn't have a lot to do with NextGen, but that screwed up the bill for a while. Then we had a fight with the air traffic controllers in the Bush administration, and that screwed up the bill for a while. Then we had a problem with something called PFCs; how much a passenger pays as a landing charge. Those fees, of course, are then turned into runways and infrastructure and employ a lot of people. So we didn't have a bill.

And then we almost got a bill. In the last Congress, Jim Oberstar and JOHN MICA and JERRY COSTELLO and TOM PETRI did a really nice job, sent the bill over to the Senate, and a couple of Senators decided that they wanted to favor one airline over others and have additional flights—long-distance flights—from Reagan National Airport to their homes, I guess, on the west coast. And so one airline would have received 48 percent of the benefit and everybody else would have gotten the scraps. We didn't have a bill. Again, you say, Why do people get frustrated with Washington? What do any of those things have to do with whether or not we continue to be the world leader in aviation?

So now we come to this bill. And I have to tell you there is a poison pill in this bill. The Senate will not take up the bill as currently written. The President issued a statement of administration policy last night indicating he will veto the bill. And it's all over this one issue. This one issue doesn't belong in the bill.

Now, there are people around here that love unions and the unions can do no wrong. There are people around here that hate unions and unions can't do anything right. But what happened is the airlines and the railroads are organized and regulated under the Rail Labor Act, as opposed to the National Labor Relations Board Act. It's been that way since the 1930s. And for years the rule was that—75 years, actually—that if they wanted to certify a union, you had to get a majority of people in the whole class.

And Mr. MCGOVERN is exactly right. Can you imagine there's about 200,000 people that are registered to vote in my congressional district. And so I stand for election, and if I got 70 percent, so 100,000 people show up—only half, which is about what we're averaging in this country—100,000 people show up, 70,000 vote for me. I'm pretty happy, popping the champagne corks, thinking I got a nice election going. But under the structure that's been in existence for all these years, those 100,000 people that didn't show up, they're counted against me. They're counted as ''no'' votes. Americans don't understand that kind of election process. It just doesn't make any sense. And the argument and the pushback against this is, Well, it's been that way for 75 years.

Now, the Speaker, I know, is a learned historian of American history. When the Constitution was written, only white men who owned property could vote in this country. And I'll bet if you asked the white guys, they were probably pretty happy about that, and they would say it works okay. For another hundred years, the women in this country couldn't vote. And maybe if you asked some of the men, they were probably happy about that as well. Just because something has been around for a long time doesn't make it right, doesn't make it fair. So the National Mediation Board, which has jurisdiction, changed the rule. They had a hearing. They asked for comments. They had a public meeting. They took a vote. And they changed the rule to the more fair procedure wherein those people that actually show up and vote, that's going to be the vote.

Now, have horrible things happened since this rule went into effect? No. One of the prime proponents of this rule change, Delta Airlines, they've had four elections since the rules were changed. The union has lost all four. And this dumb argument I heard the other day that only three people can come and form a union, that's nonsense. They had a 94 percent turnout at their election. So this encourages turnout.

The other thing I just want to mention is there's a lawsuit pending on this. The Air Transport Association sued the National Mediation Board. They lost.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBSTER. I yield the gentleman an additional 30 seconds.

Mr. LATOURETTE. It's now in the Court of Appeals. We do our darnedest to say we're going to drain the swamp and do all the other stuff around here. But in this lawsuit—they've got a lot of members, the Air Transport Association—but here are the airlines—and I

want everybody listening and following at home figure out what's going on here. The following members of the Air Transport Association opted out of this lawsuit: American Airlines, Continental Airlines, Southwest Airlines, UPS Airlines, United Airlines, and US Airways.

This is a bad deal and we shouldn't be doing it.

Mr. MCGOVERN. I yield myself such time as I may consume.

First, I want to commend the gentleman from Ohio for his efforts on trying to promote fairness and would reiterate that the issue in question has no business being in this bill. This should not have been put into this bill. I consider it a poison pill. Again, I think it reflects this troubling pattern that we see all across the country where my friends on the other side of the aisle seem to be siding against working people.

I would also just say about the process that we were told that there would be open rules, open rules, open rules. We have not had one. Every member on the Republican side in the Rules Committee has been given an opportunity to vote for an open rule, and they have voted it down every single time.

This afternoon we're going to take up this bill, this deem and pass bill, or whatever people are calling it, which I think is not constitutionally sound but nonetheless we're bringing it up. We'll have another opportunity then to have a vote on an open rule. I wonder where my friends on the Republican side will be on opening up that process. My guess is it will come to the floor either under a closed rule or very restrictive process. So let's be clear: There's not been one truly open rule yet.

At this point I would like to yield 5 minutes to the distinguished ranking member on the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I appreciate my colleague for yielding, and I want to congratulate my colleague, Mr. WEBSTER, on management of his first rule.

I rise today in opposition to the Shuster amendment that would undermine the strong flight safety regulations passed by this Congress and meant to protect air travelers throughout the Nation.

Last July, Congress came together to pass the Airline Safety and Federal Aviation Administration Extension Act of 2010. It was landmark legislation requiring the FAA to implement the findings of the National Transportation Safety Board, which many of us thought the FAA already did, to establish a pilot records database to provide airlines with fast, electronic access to a pilot's record; to direct all airlines and Web sites that sell airline tickets to disclose who is operating each flight; and, of vital importance to those of us who live in western New York, make the necessary changes that address the underreported and deadly issue of pilot fatigue and inability to fly in bad conditions. My concern, Mr. Speaker, is that this amendment stands to undermine all of these reforms. It would lay additional layers to the FAA's already cumbersome rulemaking process, only delaying what we fought so hard to create last year. And we must not go back.

Mr. Speaker, I have the privilege of representing western New York, and flight safety is one of our highest priorities. It was outside Buffalo, in the suburb of Clarence, New York, on a snowy February evening that Continental Connection Flight 3407, operated by regional carrier Colgan Air, crashed to the ground, killing all 49 passengers and one man on the ground. It was a tragedy deeply felt in western New York and sent shock waves throughout the aviation community.

As we discovered more details that fateful evening, we learned that the young pilot had never been trained on stall recovery techniques, which were needed that snowy night, and he had failed five different tests, but his employer only knew about two of those failures. One pilot had slept in the airport in a chair. The other had taken a red-eye flight from Seattle just the night before. It exposed delinquencies in commercial aviation that desperately need solutions. Pilots are often exhausted and underpaid. Discrepancies in the training requirements exist between major carriers and their regional partners. And pilot records are inconsistent, meaning a pilot's entire flying record was not available to his employer.

In the 2 years that followed, we took tremendous effort to learn from the lessons of that painful night. Led by heroic family members of victims of Flight 3407, Congress passed the Airline Safety and Federal Aviation Administration Extension Act. I want to take a moment to recognize the courage and tenacity of those family members. In the past 2 years, they worked through the grief of their own loss and advocated for safer skies for the rest of us. Collectively, they have made 40 trips to Washington on their own money, constantly reminding Members of the House, Senate, and administration that improving aviation safety is never a cause that can be pushed aside.

□ 1350

They have become the most effective group of citizens I have seen in my time in government. Every one of us, and we all do almost every week, who steps into an airplane owes them tremendously, and I am pleased to call them my friends.

The Nation cannot thank them individually, but this Congress can thank them by voting ''no'' on the Shuster amendment. Because of their work and of those in Congress, there is no better way to mark the lessons we have learned as a Nation about flight safety than by honoring the people who died on that cold and snowy night. This has been the mission of their families, and it has become a mission of mine.

Any attempt to turn back the clock on landmark provisions we passed last July will hurt everyone, including all the Members of Congress who, as I say, mostly fly back and forth to our districts each week.

To think that the pilot flying that plane is so fatigued that he or she is not at their peak is astounding and dangerous to all of us. These safety provisions must stay intact. They must apply to all pilots. It should not take another tragedy for us to have to relearn the lessons of flight safety.

I urge my colleagues to vote ''no'' on this amendment, which should not be in this bill.

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I still want to bring it back to the issue at hand. We're talking about a rule here, and I have found that no matter what you're making—you could be making widgets or you could be making laws—if the process is flawed, whatever you manufacture, whatever you make is flawed. And that's what we're trying to improve here.

The previous Congress, I believe, had a flawed process. This is an improvement. It allows for 33 amendments. I will remind everyone there were 18 extensions of this particular piece of legislation over the past several years. Not one of them ever, ever had an amendment offered on the floor of this House. This is one piece of legislation with 33 amendments being offered. That, to me, is an improved process.

What happens when you improve the process? When you improve the process, the product is always going to improve. I have a business, and I know, Mr. Speaker, you do. And you know that everything you can do starts with first making that process better. That's what we're doing. That's what this rule does. It improves the process, and by improving the process, the product that's produced by this House—which is not in question right now because there are 33 amendments filed for this underlying bill that have been made available for this House to debate. So we don't know what the final product is going to be, and we'll have to wait and see. That's a whole lot better process than coming in and voting ''yes'' or ''no'' on a particular piece of legislation.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let's talk about process. Notwithstanding the promises of open rules, we've been here for 13 weeks and not a single open rule. Not a single open rule. And I will tell you that there's something wrong with the process when after all this time we have yet to do anything to help create jobs or promote jobs in this country. Jobs are the most important issue.

A couple of weeks ago, we were dealing with National Public Radio. It was brought to the floor under an emergency rule. An emergency rule. What

kind of process is that? You would think that we were going to talk about something important like the potential war in Libya or about how we put people back to work. Instead an emergency rule was utilized to bring a bill to defund National Public Radio. There's something wrong with this process when we're talking about that and not talking about jobs.

At this point, Mr. Speaker, I would like to yield 2 minutes to my friend, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

I'm here to talk about the abandonment of essential air service in rural America.

My problem with this bill, among others, is that this legislation turns its back on rural America. The FAA budget is about providing a transportation system that is going to serve all of America, all of our taxpayers in urban and in rural areas. And this bill is an assault on the $200 million a year that had been available for essential air services in rural America.

How is it that rural America gets left behind? We have needs, we have companies, we have taxpayers, and we have travelers. And we can have that commitment to rural America be continued, not abandoned.

Let me give an example. The Rutland Southern Vermont Regional Airport serves southern Vermont. That county is rural, 63,000 people. There's no interstate access, Mr. Speaker. To help ensure the three daily flights to and from Boston Logan International Airport, the air services are subsidized at $800,000 a year. It's a good and efficient use of taxpayer money. That airport has the fifth-lowest EAS subsidy in the country, but it's had the greatest number of passenger enplanements since 1985.

This relatively small investment has spurred private investment in the region. We've got a GE plant there. We've got the local hospital. It resulted in $25 million in economic impact for the region, and in the past year bookings have risen by 25 percent.

So the question I have is, yes, kick the tires on any program. Make them accountable. But how is it accountable and how is it responsible to rural America when the budget gets smashed, and we're going to leave the Rutland regional airports of this country behind, and we're turning our back on the prospects and hope of rural America?

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I just want to remind the House again we're talking about this rule. And there was an opportunity to file amendments on all the issues that are being brought up.

There was an amendment filed on that very issue. It wasn't my fault it was withdrawn. It was the sponsor's fault it was withdrawn. Had it not been, there might have been a difference. It might have been heard here. We might have been able to discuss and wouldn't have to discuss it while we're discussing a rule. But for some reason it was withdrawn.

I also want to remind the membership that last Congress, zero open rules. Zero. None. No amendments were offered on this floor. It was like a silence that existed for a long period of time. No Member could stand up and give an amendment to any type of piece of legislation. That's a sad thing. That, to me, is a broken process.

And I'm glad Chairman DREIER came because he too, along with the Speaker, has said we want to have as open a process as we possibly can. We want to allow for amendments. We want to allow for opportunities in a process that's better than last time; that as we improve this process, we're also going to improve the policy that we present to this floor and to the public once it passes and it's signed by the President.

Mr. DREIER. Will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would just like to say, Mr. Speaker, that I have listened to my friend from Worcester keep throwing out this term ''open rule,'' ''open rule,'' that we've had all these chances for open rules and we haven't passed a single open rule.

First, let me say, based on the definition that our colleagues on the other side of the aisle had, we've had open rules. Bills considered under what we correctly describe as a modified open rule were described by our friends when they were in the majority as an open rule. Now, having said that, what we repeatedly said was that since in the entire 4 years of Speaker PELOSI's leadership of this House, we had one measure in 4 years considered under an open rule, we said in our Pledge to America that we wanted to make sure that the appropriations process is done under an open amendment process. And we're going to do our doggonedest to make sure that we have an open amendment process for consideration of that.

And I think it's important to note that if you look at, as Mr. WEBSTER said so well—and I want to congratulate him on his management of his first rule here in the House—making 33 amendments in order has not in any way predetermined the outcome of the measure when we had all of these extensions that went on for FAA. And my friend Mr. MICA, the chairman of the Transportation and Infrastructure Committee, is here. We know that we've had these constant renewals without a single amendment being offered. So we're going to have 33 amendments.

So our commitment to a more open process has, in fact, been met and exceeded in the eyes of many. And I will tell you the praise that we've gotten from Members in the leadership on the Democratic side of the aisle for having gone through all of the amendments that we did—it was virtually unprecedented—on H.R. 1, the measure that allowed us to work overnight and have a modified open rule, meaning any Member could offer a germane amendment. It was, as I said, virtually unprecedented. So I am very proud at what we've done, certainly juxtaposed to what we've seen in the last 4 years. And I believe, Mr. Speaker, that by virtue of our doing this, we're allowing the people of this country to have a chance to be heard. That has not been there for quite a long period of time.

I again thank my friend for his superb management.

□ 1400

Mr. WEBSTER. I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I've listened with great interest. My friend from California (Mr. DREIER) kind of amended a little bit what the Republican majority promised. I think I heard him right, that open rules now are only limited to appropriations bills and nothing else.

Mr. DREIER. Will the gentleman yield on that?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I never said that we're going to limit an open amendment process, open rules, to the appropriations process. What I said was and the commitment that we made was that, since we had the appropriations process completely shut down in the last two sessions of Congress, we wanted to now have this done in an open amendment process.

I thank my friend for yielding.

Mr. MCGOVERN. I thank the gentleman for his clarification.

It seems like, to me, a little bit of revisionist history, but I guess later this afternoon we're going to rewrite the Constitution, so why not rewrite history? We were promised open rules. Under the definition of an ''open rule,'' we have not had one single open rule in this Congress. Again, this afternoon, we are going to be dealing in the Rules Committee with the demon and pass a bill.

We had on this floor, not too long ago, the reading of the Constitution. I guess my friends on the other side of the aisle weren't paying attention, because what they are trying to do this afternoon, in my opinion, or, I think, in anybody's opinion, doesn't fit with the Constitution. It will be interesting to see whether or not that comes to the floor under an open process. My guess is it will be a very restrictive process, which we've become accustomed to.

At this point, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman.

Madam Speaker, I rise to express my strong opposition to an amendment made in order under this rule, an

amendment which would block the implementation of regulations to prevent pilot fatigue.

Our current pilot fatigue regulations are outdated and have been on the books for decades. In that time, we have seen many preventable accidents occur due to pilot fatigue, including the crash of Flight 3407, near Buffalo, in which 50 people died 2 years ago.

In response to that tragedy and after over a year of consideration, last year the House and the Senate unanimously passed legislation to update our pilot fatigue rules. They are pending implementation by the Federal Aviation Administration.

These reforms have been on the National Transportation Safety Board's ''most wanted'' list for the past 20 years. They are based on science, on fact, on real input from the professional aviation community. However, the amendment offered by Mr. SHUSTER would have the effect of blocking their implementation.

Pilots are people who have a huge responsibility to the flying public. It doesn't matter whether they are flying a cargo plane, a regional plane or a large passenger plane. They need adequate rest to perform their duties.

Quite simply, these pilot fatigue reforms will save lives. Fifty lives were needlessly lost 2 years ago. Last year, we voted unanimously to enact these reforms due to the dogged advocacy and determination of the families who lost their loved ones in that crash. These families want nothing more than to make our airways safer and to prevent this tragedy from happening again.

I urge my colleagues to stand with these families, to stand with aviation safety, and to please vote against the Shuster amendment.

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

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. First, I thought I would start off by acknowledging the efforts to have open rules and so on and by giving you a little praise, but you're doing enough to give yourselves praise, so I guess I won't have to do that today.

Madam Speaker, I rise to oppose this rule. I rise to address yet another attack on our Nation's workers and the middle class which have been snuck into the FAA Reauthorization Act. As a senior member of the committee and as a pilot myself, I am appalled that Republicans have chosen to play politics with legislation as important as this—one that ensures our skies are safe and operating at peak performance.

In H.R. 658, Republicans march on in their crusade against working Americans and middle class families by targeting union representation elections for hardworking Americans. Under this legislation, Republicans would deny transportation workers and their unions the basic tenets of democracy by ordering an absent vote in a representation election to be counted as a ''no'' vote. By this math, not a single one of us serving in the House today would be here when we compare voting populations in our districts with the percentage of the ''yes'' votes we all mustered. On average, we would have earned about 25 percent of the vote.

In targeting our Nation's transportation workers, Republicans have once again drawn a line in the sand between the needs of middle class America and protecting the interests of CEOs and Wall Street, and it is obvious which side they're on.

Instead of stripping our aviation and rail workers of their democratic rights, why don't the Republicans look within their own ranks and apply this election concept to Wall Street? From here on out, make every corporation that received government assistance count an absent shareholder vote as a ''no'' vote when considering executive compensation and bonus packages.

But that won't happen.

Instead of focusing on real issues like jobs and education, Republicans are attacking middle class rail and aviation workers who do dangerous jobs to keep our transportation system going.

I urge my colleagues to stand with the middle class workers who put their lives on the line every day at work to make sure that goods and people are being moved across this Nation. Vote ''yes'' on the amendment to be offered by Congressmen LATOURETTE and COSTELLO.

Mr. WEBSTER. Madam Speaker, I would like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida has 12½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

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

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I rise in opposition to the rule because it includes a manager's amendment with problematic provisions.

The manager's amendment will prevent the disclosure and use of safety data. It provides immunity to all persons and organizations involved in the implementation of a safety management system, and it provides total immunity for volunteer pilots, volunteer pilot organizations and referring agencies.

By preventing the disclosure of safety information, the manager's amendment severely hinders the ability of people injured by the negligence of the aviation industry, or their surviving family members, from obtaining crucial information that they need in a court of law to determine whether or not their loss was due to the industry's negligence. Essentially, it allows the negligent airline companies and their employees to hide and to keep evidence of their negligence secret.

Additionally, by granting immunity to any ''person that is required to implement a safety management system'' and for volunteer pilots and pilot organizations, the manager's amendment would potentially provide immunity to the entire aviation industry. This immunity provision is so broad that it would protect individuals who negligently fail to follow a safety standard even if that failure led to massive passenger deaths.

Madam Speaker, this is outrageous, and it essentially asks the airline passengers to put their lives in the hands of aviation teams which could possibly have no liability for any negligence that occurs during a flight. This is unnecessary because we already have in law the Volunteer Protection Act, which provides immunity only for volunteers. This amendment will interrupt the careful balance achieved through that act by giving volunteer organizations and others immunity as well.

The airline industry is free to purchase liability insurance to ensure that people are protected from the negligent acts of its employees. This amendment exempts the industry from having the responsibility for the safety of the public and its employees, and it is certainly not in the best interests of the flying public.

This rule should be defeated so that that amendment cannot be offered.

Mr. WEBSTER. I yield myself such time as I may consume.

First of all, I want to go back again to where we were. We are talking about a rule. We are talking about a process, a good process, that allows for amendments. I know that the other side is thinking, Wow, we've got to come in here and argue this bill. We've got to argue the underlying part. You don't. You've got plenty of time to do it because this rule will allow for good, lengthy debate, not only on the bill, itself, but also on the 33 amendments that have been offered.

I would encourage them to think about the fact that this rule is what we are voting on. This rule is a good rule and an open process, one that allows for every Member to participate. I would tell them, again, to vote for this rule. That's my response to any of the criticisms of this bill.

□ 1410

Yes, they're going to be addressed by an amendment. Come make your case, and see if you can pass it.

I would now yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. The gentleman from Florida is correct, Madam Speaker, that this is about the rule, and the Rules Committee serves a very important purpose because we have 435 Members.

When we come to the floor, you just can't have chaos. There has to be some structure. All Members are afforded the opportunity to speak if we go through our regular business.

Mr. MCGOVERN. Will the gentleman yield?

Mr. MICA. I won't at this time because I have very limited time and you have lots of time left, so I won't yield. And mine is limited.

And that's part of the process. Again, I was just yielded 5 minutes. So the Rules Committee sets the order of debate, how much time there shall be, how many amendments that are submitted.

Now, I've been here awhile. My family's been around Congress awhile. The last 4 years, for anyone to come and say that this is an unfair rule is so far from being accurate. Fifty amendments were offered. As the chair of the committee, I pay attention to the amendments. I went before the Rules Committee and asked that they carefully consider these; and what you want to do is make sure you don't have duplicate, you don't have nongermane, and be fair to Members so everybody gets a chance.

Some 48 were offered, 48 actually I understand. Thirty-nine were left after Members withdrew them. Thirty-three were accepted. That leaves six that they took out. If that's unfair in any way, it's hard to believe. So we have been fair. Mr. WEBSTER's been fair, Mr. DREIER's been fair. I've never seen a fairer process. And in the last 4 years, when the place was run under basically martial law, you couldn't bring amendments up.

Then, how did we get ourselves in this situation? For 4 years they had complete control of this body. They could have passed anything. But what did they do, they passed things but they passed so much and spent so much that the American people threw them out. They had enough votes in the House to pass anything. They had enough votes in the Senate to pass anything, and the last 2 years they've had a President that would sign anything.

This aviation bill, 17 times they did an extension. I was the chairman in 2003 when we did a 4-year bill. We did a 4-year bill. It expired in 2007. My bill expired that I helped draft and author in 2003, expired after 4 years in 2007. Seventeen times they left the aviation policy, the funding formula, all the programs for safety and everything go on the most erratic basis you could imagine. Seventeen extensions, costing the taxpayers millions of dollars. Go talk to the FAA administrator. And every time they did that, what they did to the disruption of one of the most important industries in the United States; 9.2 percent of our gross domestic product and activity is in the aviation industry, and they had 4 years to pass it. Unbelievable.

In less than 4 months, we've already worked with the United States Senate. They've passed the bill. We've passed it through two other committees, and now our Transportation and Infrastructure Committee is bringing it up here, under a fair rule, one of the most open rules with open participation by all Members on every side. So don't talk to me about fairness in rules. This is fair.

Let's get it done and pass this rule, get the people's business done and get people working in the United States of America, instead of more hot air passing through this Chamber.

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

Madam Speaker, I am amazed by the comments of the gentleman from Florida when it comes to rules because when we were in charge of the House, I don't recall a single time where the gentleman came before the Rules Committee and did not advocate for an open rule. This is not an open rule.

Members who have ideas that they want to bring to the floor in response to amendments that are being offered will be denied that opportunity, and there is a restriction on the ability of Members to be able to participate in the debate. Under a true open rule, every Member would have at least 5 minutes, if they chose, to be able to talk on a bill. So it's interesting this revisionist history by the Republicans who promised open rules but have not produced a single open rule yet. That's just a fact, and we can spin it any way you want to, but you promised open rules, and we haven't seen a single one yet.

Now, as far as the bill goes, H.R. 658, one of the reasons why we are concerned is because this is a job-destroying bill. We should be obsessed in this Congress about protecting jobs and creating jobs; yet, what we have seen is attention being given to everything else but jobs. A couple of weeks ago, we spent a whole week on National Public Radio, should we defund National Public Radio when people are out of work. And here you bring a bill, H.R. 658, to the floor that will destroy American jobs with $4 billion in cuts that will have dire consequences for our Nation's infrastructure, jobs and economy.

The aviation industry, I will remind my friend, accounts for nearly 11 million American jobs and $1.2 trillion in annual economic activity. This Republican bill would cut the airport improvement grants for runway maintenance and safety enhancements by almost $2 billion, costing us 70,000 jobs, especially hurting small airports. The Senate measure, passed with a bipartisan majority, adds tens of thousands of jobs.

Now, there are cuts in this bill that would also lead to a reduction in safety personnel and delay important air safety initiatives, a bad choice for the flying public as highlighted by the recent Reagan National incident.

In February, the FAA administrator under President George W. Bush, Marion Blakey, stated that ''the prospect is really devastating to our jobs and to our future, if we really have to roll back to 2008 levels and stop NextGen in its tracks.''

This bill also eliminates essential air service for 110 rural communities needed to connect them with global commerce, support local jobs and spur economic growth. It's important to invest in our infrastructure in order to keep this economy strong.

And this bill, as has been said over and over again, extends the assault on American workers, collective bargaining, and the middle class to workers in the aviation and railroad sectors by overturning a rule for union elections which, as with other elections, calls for a majority of votes cast to win. This continues this pattern, this assault on American workers.

I ask my friends on the Republican side, when did the American worker become the bad guy? My friends on the other side go out of their way to protect Wall Street. Under their open process, when they brought up their H.R. 1, their bill that cuts all these essential programs, they wrote it in a way that it protected the taxpayer subsidies to big oil companies so we couldn't get at them. It protected all these special interest tax loopholes that are there for big business and big corporations. And after what happened to our economy, this mess that was created in large part by Wall Street, here we go again with this Republican majority attacking working families, workers.

Well, someone has got to stand up for working families and workers, and I'm glad that there are Members on my side of the aisle that are willing to do that. This controversial provision should not be in this bill. This is a throwaway to the extreme right wing, and it should not be in this bill.

Madam Speaker, let me close by saying we need to start talking about jobs and how we protect jobs and create jobs. This bill, because of the dramatic cuts in this bill, will destroy jobs. You want to find savings, go after taxpayer subsidies to the oil companies. You want to find savings, then if you're going to fight these wars, pay for it. You want to find savings, close some of these grotesque tax loopholes for the richest interests in this country. Instead, you go after things that help average American families, that go after American workers.

This is wrong. I urge my colleagues to vote against this rule, which is not open, and I urge my colleagues to vote against the underlying bill.

I yield back the balance of my time.

□ 1420

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

Madam Speaker, as you heard me say earlier, my Republican colleagues and I are committed to providing a more accountable, transparent, and open process than the minority allowed during previous Congresses. Today's bill is another step in that right direction, an

example of the House Republicans' commitment to reform the way things are done here in Washington. The underlying bill has bipartisan support, it went through regular order, and it was provided a structured rule to allow Republicans and Democrats alike to offer amendments, their ideas, in an open and honest debate.

While I am supportive of the underlying legislation, this vote on the rule that provides an open and transparent process, which allows 33 amendments from both sides of the aisle, where ideas and policy will rise or fall on the basis of their merit and not on any particular sponsor's party affiliation, this is what the American people expect in their elected officials.

I would like to introduce to you one of the new Americans that was born last night at 10:50. This is Claire. She is our seventh granddaughter, and we're excited about her. And she, just like the rest of the American people, believes that it is an expectation that is fulfilled by this rule, the rule that we have here before us, which is that we will have an opportunity to express ourselves in a real, transparent, open way on amendments and the underlying bill and have the opportunity to present ourselves and afford ourselves a chance to vote on each one of those proposals.

I encourage my colleagues to join me in supporting the passage of this rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 872.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 205]

YEAS—249

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—171

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—12

Barton (TX)
Braley (IA)
Campbell
Frelinghuysen
Giffords
Hanna
Maloney
Moore
Olver
Polis
Richmond
Rogers (KY)

□ 1445

Ms. BERKLEY and Messrs. PASCRELL and CARDOZA changed their vote from ''yea'' to ''nay.''

Messrs. FLORES, TIBERI, and HEINRICH changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REDUCING REGULATORY BURDENS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 292, nays 130, not voting 10, as follows:

[Roll No. 206]

YEAS—292

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carney
Carter
Cassidy
Chabot

| | | |
|---|---|---|
| Chaffetz | Jones | Price (NC) |
| Chandler | Jordan | Quayle |
| Coble | Kaptur | Rahall |
| Coffman (CO) | Keating | Reed |
| Cole | Kelly | Rehberg |
| Conaway | Kind | Reichert |
| Costa | King (IA) | Renacci |
| Costello | King (NY) | Reyes |
| Courtney | Kingston | Ribble |
| Cravaack | Kinzinger (IL) | Richardson |
| Crawford | Kissell | Rigell |
| Crenshaw | Kline | Rivera |
| Critz | Labrador | Roby |
| Cuellar | Lamborn | Roe (TN) |
| Culberson | Lance | Rogers (AL) |
| Davis (IL) | Landry | Rogers (KY) |
| Davis (KY) | Langevin | Rogers (MI) |
| Dent | Lankford | Rohrabacher |
| DesJarlais | Larsen (WA) | Rokita |
| Diaz-Balart | Latham | Rooney |
| Dold | LaTourette | Ros-Lehtinen |
| Donnelly (IN) | Latta | Roskam |
| Dreier | Lewis (CA) | Ross (AR) |
| Duffy | LoBiondo | Ross (FL) |
| Duncan (SC) | Loebsack | Royce |
| Duncan (TN) | Long | Runyan |
| Ellmers | Lucas | Ryan (WI) |
| Emerson | Luetkemeyer | Scalise |
| Farenthold | Lummis | Schilling |
| Farr | Lungren, Daniel E. | Schmidt |
| Fincher | Mack | Schock |
| Fitzpatrick | Manzullo | Schrader |
| Flake | Marchant | Schweikert |
| Fleischmann | Marino | Scott (SC) |
| Fleming | Matheson | Scott, Austin |
| Flores | McCarthy (CA) | Scott, David |
| Forbes | McCarthy (NY) | Sensenbrenner |
| Fortenberry | McCaul | Sessions |
| Foxx | McClintock | Sewell |
| Frank (MA) | McCotter | Shimkus |
| Franks (AZ) | McGovern | Shuler |
| Gallegly | McHenry | Shuster |
| Gardner | McIntyre | Simpson |
| Garrett | McKeon | Sires |
| Gerlach | McKinley | Smith (NE) |
| Gibbs | McMorris Rodgers | Smith (NJ) |
| Gibson | McNerney | Smith (TX) |
| Gingrey (GA) | Meehan | Southerland |
| Gohmert | Mica | Stearns |
| Goodlatte | Michaud | Stivers |
| Gosar | Miller (FL) | Stutzman |
| Gowdy | Miller (MI) | Sullivan |
| Granger | Miller (NC) | Terry |
| Graves (GA) | Miller, Gary | Thompson (CA) |
| Graves (MO) | Mulvaney | Thompson (MS) |
| Griffin (AR) | Murphy (PA) | Thompson (PA) |
| Griffith (VA) | Myrick | Thornberry |
| Grimm | Neugebauer | Tiberi |
| Guinta | Noem | Tipton |
| Guthrie | Nugent | Turner |
| Hall | Nunes | Upton |
| Harper | Nunnelee | Walberg |
| Harris | Olson | Walden |
| Hartzler | Owens | Walsh (IL) |
| Hastings (WA) | Palazzo | Walz (MN) |
| Hayworth | Paul | Watt |
| Heck | Paulsen | Webster |
| Heller | Pearce | Weiner |
| Hensarling | Pence | Welch |
| Herger | Perlmutter | West |
| Herrera Beutler | Peters | Westmoreland |
| Holden | Peterson | Whitfield |
| Huelskamp | Petri | Wilson (SC) |
| Huizenga (MI) | Pingree (ME) | Wittman |
| Hultgren | Pitts | Wolf |
| Hunter | Platts | Womack |
| Hurt | Poe (TX) | Woodall |
| Issa | Pompeo | Wu |
| Jenkins | Posey | Yoder |
| Johnson (IL) | Price (GA) | Young (AK) |
| Johnson (OH) | | Young (FL) |
| Johnson, Sam | | Young (IN) |

NAYS—130

| | | |
|---|---|---|
| Ackerman | Chu | DeGette |
| Andrews | Cicilline | DeLauro |
| Baldwin | Clarke (MI) | Deutch |
| Bass (CA) | Clarke (NY) | Dicks |
| Becerra | Clay | Dingell |
| Berkley | Cleaver | Doggett |
| Berman | Clyburn | Doyle |
| Bishop (NY) | Cohen | Edwards |
| Blumenauer | Connolly (VA) | Ellison |
| Brady (PA) | Conyers | Engel |
| Brown (FL) | Cooper | Eshoo |
| Capuano | Crowley | Fattah |
| Carnahan | Cummings | Filner |
| Carson (IN) | Davis (CA) | Fudge |
| Castor (FL) | DeFazio | Garamendi |
| Gonzalez | Lofgren, Zoe | Sánchez, Linda T. |
| Green, Al | Lowey | Sanchez, Loretta |
| Green, Gene | Luján | Sarbanes |
| Grijalva | Lynch | Schakowsky |
| Gutierrez | Markey | Schiff |
| Hanabusa | Matsui | Schwartz |
| Hastings (FL) | McCollum | Scott (VA) |
| Heinrich | Meeks | Serrano |
| Higgins | Miller, George | Sherman |
| Himes | Moore | Slaughter |
| Hinchey | Moran | Smith (WA) |
| Hinojosa | Murphy (CT) | Speier |
| Hirono | Nadler | Stark |
| Holt | Napolitano | Sutton |
| Honda | Neal | Tierney |
| Hoyer | Olver | Tonko |
| Inslee | Pallone | Towns |
| Israel | Pascrell | Tsongas |
| Jackson (IL) | Pastor (AZ) | Van Hollen |
| Jackson Lee (TX) | Payne | Velázquez |
| Johnson (GA) | Pelosi | Visclosky |
| Johnson, E. B. | Polis | Wasserman Schultz |
| Kildee | Quigley | Waters |
| Kucinich | Rangel | Waxman |
| Larson (CT) | Rothman (NJ) | Wilson (FL) |
| Lee (CA) | Roybal-Allard | Woolsey |
| Levin | Ruppersberger | Yarmuth |
| Lewis (GA) | Rush | |
| Lipinski | Ryan (OH) | |

NOT VOTING—10

| | | |
|---|---|---|
| Barton (TX) | Frelinghuysen | McDermott |
| Braley (IA) | Giffords | Richmond |
| Campbell | Hanna | |
| Denham | Maloney | |

□ 1455

Mr. RUPPERSBERGER changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HANNA. Madam Speaker, I was unavoidably absent for votes. Had I been present, I would have voted "yes" on rollcall votes 205 and 206.

## GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 658 and include extraneous materials in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Florida?

There was no objection.

## 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 consideration of the bill, H.R. 658.

□ 1458

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 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 Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 189 and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes. The gentleman from Texas (Mr. HALL), the gentlewoman from Maryland (Ms. EDWARDS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

□ 1500

Mr. MICA. I yield myself such time as I may consume.

Madam Chairman, the legislation before us now, as the Chair has indicated, is the FAA Reauthorization and Reform Act of 2011.

During the discussion on the rule which brought the measure to the floor, I had an opportunity to speak on the fairness of the rule, and again I'll cite: Having been here for a number of years and observed the process for three decades, I rarely find any time in which everyone has had a fair opportunity to offer amendments. Some 48 amendments were offered before the Rules Committee. Thirty-three were accepted. Nine were withdrawn. So there are only six that were not considered—some for germaneness reasons, some for being duplicative—and also, in fairness, for Members to have an opportunity to participate. So, again, I think the process that we have come forward with is very, very fair. The process has been fair and bipartisan in the committee.

In the last 4 years, as the ranking Republican, Republican leader of the committee, I can count on probably less than three fingers the number of votes that we had over the 4 years. We had many more votes than that in the committee. It was an open process and people had the opportunity to participate.

I also spoke in the rule of how we got ourselves in this predicament. I had

the honor and privilege of being the chair of the Aviation Subcommittee after the beginning of 9/11 and through the fateful time of 9/11 for 6 years. In 2003, we passed the last authorization for FAA. Now, in order to operate the Federal Government and each of its agencies and activities, the Congress must authorize the programs, the policies, the agencies, the funding formulas, and the projects that are eligible for Federal participation.

As I also stated, the other side of the aisle for 4 years had huge majorities, could pass anything that they wanted to. Very large majority in the House, large majority in the Senate. And the last 2 years, indeed, they controlled the White House, the House, and the Senate. They could pass anything they wanted.

In 2007, the bill that I helped author, a 4-year authorization, expired. They did 17 extensions in 4 years. It's no wonder people don't have jobs. It's no wonder that people in the aviation industry don't know which way the Federal Government is coming or going. It's no wonder that you have some disarray in one of our most important agencies, the FAA. They had 4 years; we've had less than 4 months. We're bringing the bill out.

We've had a fair process in the committee, and we've had opportunity for people to offer amendments and will spend most of today and maybe part of tomorrow going through those amendments in, I think, an adequate time for debate. The bill does make some reductions in spending and it does take us back to the 2008 level of spending.

Now, the first thing you will hear from the other side is, Oh, the Republicans are cutting and slashing important FAA programs and safety and security and everything under the sun will be at risk. I can tell you that that's not the case. I can tell you that you can do more with less, and we can prioritize. In fact, in this bill, to make certain that safety is our primary concern—and it must be our primary concern—we have put specific provisions in here that if there are cuts or reductions—and heaven knows the FAA and the Department of Transportation certainly can have reductions in bureaucratic staffing. My dad used to say when he was alive, ''Son, it's not how much you spend; it's how you spend it.'' And it's just like that with personnel.

People say, well, we're not going to have enough air traffic controllers. We just had the incident out at Reagan. We had an air traffic controller with some 20 years' experience, 17 years at DCA, came to work I guess at 10 o'clock. There was somebody there until almost 10:30. So I understand he was there an hour and 28 minutes and either fell asleep or wasn't doing his duty. So, in Washington, what do they do? We've got to double up. We've got to have more employees.

Listen to this statistic. Since before 2001, we have a 21 percent decrease. If we go to 2001 to today, we have a 21 percent decrease in air traffic movements. Why? Because the industry has consolidated. We don't have as many flights. The economy is down. At the same time, we have an increase in 20 percent of staffing. If you look at airports around the country, you will see some with huge reductions in air traffic and still the same number of air traffic controllers. In this bill, we give some flexibility so you can hopefully move people around.

Now, I know there are labor agreements and it's hard to get people to move, and some people might not like the warm climes and beauty of Florida where the population has expanded—and Arizona and wherever else we need them—but, for heaven's sake, do we need to double up? Do we need to double up when there's no air traffic at these airports between midnight and 5 a.m.? That's the Washington big spending, big government. Let's add more.

So I can tell you that there's plenty of room for doing things responsibly, doing things with safety in mind. Now let's try a new approach with the best interests of the taxpayer.

They've spent some $5.3 billion in about 24 months more than we take in. We're on the verge of having our financial security of this Nation at risk and also threatening even the defense security of this Nation.

Again, 17 times they did these little hiccup extensions, costing millions of dollars. Just ask the FAA administrator; the recalculation, all the things that had to be done; the inability to move forward with safety programs, for that matter.

So I just want to make the point that we can accomplish what we've set out: a reduction in spending and, actually, better performance and better safety. I could give more examples. I don't have a lot of time.

We used to chase developmental programs, and the government would try to develop technology for air traffic control, and they take forever. And the private sector would develop technologies. They do it sooner, faster, better, with more capability, while we're still spending billions of dollars recklessly. And we reduced, actually, the amount of money in those developmental programs, and we actually have put out there the technology faster, better. So there are many areas, and I can't spend all my time talking about them.

This is a job creation bill. 9.2 percent of the gross domestic activity in this Nation depends on this industry. We count on this. As I said, in less than 4 months, the other body, the Senate, has already passed the bill. We're ready to go to conference. We've asked for one extension to accomplish this. And this bill has excellent provisions.

Finally, you will hear them moan and groan about some labor provision that someone described that we're taking away democratic rights and all of this for union members. It couldn't be further from the truth. We have had 70-some years of rules organizing for labor where we've always had a majority of those who were affected have to vote in a union. Now they want to change it to whoever shows up. They have multiple elections. And that's what they're asking for.

The little caveat here—and I hope everyone is listening, Madam Chair. What they didn't do is to decertify to get out of the union. They left the old rule in place. There has to be a majority of everyone who's affected.

They'll tell you that they didn't let women vote and all this a long time ago, try to mix up the topic at hand and confuse people, but you can't think of a more unfair rule than a packed National Mediation Board has enacted. Unfair, easy to enter in, cut the provisions for entering in, and then put a barrier up to get out.

Again, I think this is an excellent program. It gives us opportunities to look at contract towers and then air traffic control, NextGen, the next generation of air traffic control. We can do better. We can get technology in place. We'll probably have to use fewer people. And we'll always know where the planes are if we can move this legislation forward that, again, has been on the shelf for some 4 years.

There are excellent provisions in this legislation. I feel confident that it deserves the support of the House, and we'll have fair and open debate on amendments.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
*Washington, DC, March 29, 2011.*

Hon. JOHN MICA,
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 658, the FAA Reauthorization and Reform Act of 2011.

H.R. 658 was favorably reported by the Committee on Transportation and Infrastructure on March 10, 2011 and sequentially referred to the Committee on Science, Space, and Technology. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that Title X of the legislation reported by your Committee will be removed from the legislation and provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the Floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support in the appointment of conferees from the Committee on Science, Space, and Technology during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

RALPH M. HALL,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, March 29, 2011.*

Hon. RALPH M. HALL,
*Chairman, Committee on Science, Space, and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

As you wrote in your letter, we have agreed to strike Title X from the Transportation and Infrastructure Committee reported H.R. 658. Provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the House Floor.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, March 23, 2011.*

Hon. JOHN MICA,
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA, I am writing concerning H.R. 658, the ''FAA Reauthorization and Reform Act of 2011,'' which is scheduled for floor consideration next week. As a result of your having consulted with us on provisions in H.R. 658 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 658 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 658, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

LAMAR SMITH,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, March 23, 2011.*

Hon. LAMAR SMITH,
*Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' The Committee on Transportation and Infrastructure recognizes the Committee on the Judiciary has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the CONGRESSIONAL RECORD during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
*Chairman.*

I reserve the balance of my time.

□ 1510

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

Madam Chair, it was just last week two airliners landed at Washington National Airport without landing clearances because apparently the single person in charge of the control tower fell asleep. While investigations are ongoing, we certainly have seen accidents in the past where controller staffing and fatigue were implicated, such as the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

So I was surprised when some of my Republican colleagues used this most recent incident at Washington National Airport as an opportunity to argue that the FAA should ''do more with less.'' Do more with less: that's how the Republicans think the FAA will operate under this bill. When we're talking about investing in air traffic control modernization or regulating safety or hiring a sufficient number of safety inspectors, there's no such thing as ''doing more with less.''

Under this bill, the FAA will have to do less with less, and you would have to be asleep at the controls not to see that.

The FAA is primarily a safety agency, and virtually all of its activities are safety related. As last week's incident should make clear, now is not the time to arbitrarily cut almost $4 billion from the FAA programs and argue that the agency can do more with less on safety. A long-term FAA reauthorization bill must move the aviation system into the 21st century, create jobs, strengthen our economy, and provide the resources necessary to enhance safety. This legislation, unfortunately, does not meet those goals. It will require significant changes before it can be enacted into law, and therefore I cannot support it.

One thing we should all be honest about right now: this is not a jobs bill. The bill cuts FAA funding by billions of dollars, back to 2008 levels. You cannot cut funding so dramatically without destroying tens of thousands of jobs: Federal jobs, State jobs, local jobs, public and private sector jobs.

In addition to costing jobs, the bill's funding cuts would cause delays to air traffic control modernization, meaning more delayed flights, a reduction of FAA's safety workforce and delays to FAA safety rules.

Now, aside from the funding levels, there are two particular issues that preclude my support for this bill. The first is that the bill sunsets the Essential Air Service program for the lower 48 States in 2013, leaving behind about 110 communities across the country. Yet at the same time, the bill extends airport improvements to the Marshall Islands, Micronesia, and Palau. We do not even own them. They are independent countries.

Now, I do understand the reasons for providing airport improvement funds to these island nations. We do have a compact with them. But in seeking to keep faith with our agreements with those countries, the majority is more than willing to break the promise to rural America right here at home that was made under the Airline Deregulation Act and the FAA reauthorization bills that followed.

EAS is a vital lifeline between rural communities and the global network of commerce. Small and rural communities have grown up around EAS, which directly supports local jobs. It creates a flow of goods and commerce into and out of small-town America. It brings families together. It links four communities in my home State of West Virginia with other cities and towns around the country and around the world.

Essential Air Service is an investment; it's not a handout. It is an investment in jobs and economic growth for small towns. The majority is turning its back on small towns and rural America.

I will continue to work with my colleagues in a bipartisan fashion to honor the promise that Congress has made to the people in rural America. I recognize the job-protecting benefits of the EAS program and the value of critical Federal investment for rural communities.

Now, before I conclude, there's another section that has no business whatsoever being in this bill, and that is a provision that seeks to overturn a rule finalized by the National Mediation Board on fair union representation in elections. The rule did away

with an unjust and undemocratic requirement under which a supermajority of airline and railroad workers had to vote in favor of union representation before a union could be certified to represent them at the bargaining table. Non-votes were counted as ''no'' votes, even though there was no reason to conclude workers were against union representation because they were sick or on furlough and did not vote.

The new rule, which this bill would overturn, says that the mediation board must count the votes among those employees who voted and must determine the will of the workers according to the ''yes'' and ''no'' votes actually cast. Now, just as congressional elections turn on a majority of those who voted, union representation elections should reflect the will of the voters.

This is a poison pill provision. A provision to overturn that rule simply has no business being in this legislation. It has nothing to do with safety. It has nothing to do with improving our air transportation system. And it has absolutely nothing to do with making air service more efficient. Rather, it is a lightning rod of controversy, part of a concerted assault, as we've seen too often this year, on collective bargaining. Republicans and Democrats alike have opposed it. It barely survived in the committee markup by a single vote. This unprovoked and unnecessary provision has no place in such critically needed legislation to keep the FAA moving forward and the flying public safe.

When it comes to doing more with less, my friends on the other side of the aisle are correct about a few things, I have to admit, when it comes to the pending legislation:

More than 70,000 jobs lost with less funding for the AIP program. More risks to the traveling public with less safety personnel and initiatives. More assaults on collective bargaining rights for American workers. More controversial poison pill provisions with less focus on job creation and safety enhancements.

Yep, that's doing more with less.

With warning lights flashing and alarm bells ringing, we cannot afford to go to sleep at the controls at such an important time for our aviation system.

I reserve the balance of my time.

Mr. MICA. Reminding everyone that we're borrowing 42 cents out of every dollar, I am pleased to yield 4 minutes to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my chairman.

The legislation before us, H.R. 658, reauthorizes the safety and research programs, operations, airport grants, and funding for the Federal Aviation Administration for budget years 2011 through 2014. It's a 4-year reauthorization, with no earmarks, that will result in savings and in greater efficiencies.

The bill funds the FAA at the fiscal year 2008 funding levels and will save $4 billion compared to the current levels. These funding levels recognize the state of the Federal budget, but should not affect vital safety functions.

The FAA Administrator is directed to achieve required cost savings without cutting safety critical activities. The bill requires the FAA to find and eliminate wasteful processes, duplicative programs, and unnecessary practices.

□ 1520

Given current economic times, there is a need to put our limited resources where they are most needed and use them efficiently. Although we cannot do all that we may have wanted to, when facing budget cuts, difficult decisions have to be made. We have worked to preserve the ability of the FAA to conduct its safety functions—its most important mission and our number one priority.

The bill will phase out the Essential Air Service Program by 2013, resulting in $400 million in savings. The Essential Air Service Program was originally created in 1970 as a temporary program in the wake of airline deregulation. It was intended to allow airports to adapt to the change in the aviation industry and to plan accordingly. However, over the years, this program has resulted in taxpayers having to pay millions of dollars in subsidies to provide air service to communities even as passenger enplanements have declined as other modes of transportation have become available.

With regard to NextGen, H.R. 658 streamlines processes and provides sufficient funding, with FAA pursestring tightening, to fund NextGen projects planned in the next 4 years. H.R. 658 sets strict goals and benchmarks, and includes other measures to accelerate NextGen in order to keep the momentum going. NextGen is critical to the U.S.'s ability to compete in the global aviation system by providing safer and more efficient and environmentally friendly operations.

The bill allows for the expansion of the cost-effective Contract Tower Program, which has the potential to save, roughly, $400 million over 4 years. In addition, the legislation provides a clear and efficient process for the FAA to rapidly achieve benefits associated with the consolidation of old, obsolete and unnecessary FAA facilities, with enormous potential savings.

I would like to commend Chairman MICA for his efforts in developing this bill and moving it through the committee.

Also, while we may have differences on a few provisions, there is much in this bill that has bipartisan support. I look forward to continuing to work with my aviation partner, Representative JERRY COSTELLO, and with our ranking member, Representative NICK RAHALL, in getting agreement with the Senate so that we can finally send a bill to the President.

I urge my colleagues to support H.R. 658.

Mr. RAHALL. Madam Chair, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO), our leading Democrat on the Aviation Subcommittee who has been in the trenches, on the runways, and in the towers of this legislation for many years. He has been with the takeoffs and the landings of so many extensions.

Mr. COSTELLO. I thank the ranking member for yielding to me and for his kind remarks.

Madam Chair, we all agree that we need a long-term FAA Reauthorization Act. The FAA and the aviation community need stability and direction that a multi-year authorization will provide. However, it's not this bill.

It is important for Members to know that H.R. 658 is a different FAA reauthorization bill from the bipartisan legislation that my colleagues and I worked together on and that passed the House three times during the 110th and 111th Congresses. That legislation would have created jobs, improved aviation safety, and provided the FAA with the resources necessary to modernize airport and air traffic control infrastructure. However, while some aspects of H.R. 658 were in prior House-passed bills and reflect some of my priorities, there are many troubling omissions and newly added provisions in the bill that are unacceptable.

I think we all agree that we must make every effort to be fiscally responsible and cut Federal spending where it makes sense given the size of the deficit. At the same time, we also have a responsibility to the American people to keep our aviation system safe and secure, to make needed improvements to our infrastructure, to strengthen the economy, to create jobs, and to remain competitive. However, I share the concerns of those in the industry that this legislation includes funding cuts that will affect safety and put the flying public at risk, devastate the FAA's Next Generation Air Transportation System air traffic control modernization effort, and ignore the need to strengthen our economy by creating jobs.

On the jobs issue, let me make it clear. Mr. RAHALL said it and I'll say it again: This bill does not create jobs. Instead, it cuts, roughly, $2 billion over the next 4 years in the FAA's Airport Improvement Program. The AIP provides funding to airports across the country for infrastructure projects, such as runways and air traffic control towers, and these projects create well-paying construction jobs. A $2 billion decrease in funding in this bill means about 70,000 jobs will be lost. I will repeat that: 70,000 jobs will be lost because of the $2 billion cut in AIP funds. In fact, it leaves so little AIP discretionary funding available that even the most important projects, such as completing runway safety areas by the congressionally mandated deadline, cannot be funded.

Second, my Republican colleagues argue that H.R. 658 directs the FAA to prioritize and to protect safety-related activities within the bill's reduced funding levels. That sounds great, but all the evidence suggests that it can't be done.

In February, the House Aviation Subcommittee held an FAA reauthorization hearing to listen to the aviation industry's stakeholders. The unified message from the industry was loud and clear: Congress cannot roll back FAA funding to 2008 levels without harming safety programs or hampering the industry. President Bush's former FAA administrator, Marion Blakey, stated, ''The prospect is really devastating to jobs and to our future if we really have to roll back to 2008 levels and stop NextGen in its tracks.''

A jobs bill? I don't think so—and neither does the person who ran the FAA under the Bush administration.

The FAA is primarily a safety agency, and virtually all of its activities are safety-related. This Congress and the American people need to know that, if we arbitrarily cut $1 billion a year out of the FAA's budget, it absolutely will affect safety. The agency will not do more with less. It will be forced to do less with less, and cuts to these funding levels will have serious consequences.

According to the FAA, the funding reductions in this bill will cause the agency to furlough the aviation safety workforce by hundreds of employees. Fewer safety inspectors, engineers, and support personnel will adversely impact air traffic services, aviation safety certifications and the implementation of NextGen, which will end up costing the taxpayers more in the long run and cause our aviation industry to be less competitive globally.

In addition, a reduction in the workforce will likely mean the delay of important safety regulations, such as those mandated by Congress in the new aviation safety law that was enacted last year in a bipartisan vote in response to the Colgan Flight 3407 tragedy in Buffalo, New York. Further, this legislation will force important safety-related airport improvement projects to be delayed or abandoned, such as wildlife hazard assessment. These types of assessments would help airports mitigate hazards like the one that brought down U.S. Airways Flight 1549 in 2009 in which Captain Sullenberger and First Officer Skiles were forced to land in the Hudson River because a flock of geese damaged the plane's engines.

As Mr. RAHALL indicated, just last week, two planes landed safely, without clearance, at Washington National Airport because, reportedly, a single person in charge at the control tower apparently fell asleep. While investigations are ongoing, we have certainly seen accidents in the past where air traffic control staffing and fatigue were a factor, such as in the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

I applaud Secretary LaHood's decision to reevaluate staffing needs throughout the country. Congress will also need to closely examine air traffic control staffing and fatigue going forward; but this incident should make it clear: Now is not the time to arbitrarily cut almost $4 billion from FAA programs and argue that the agency can do more with less without compromising safety.

I know Mr. RAHALL and others have talked about a provision in the legislation that I believe, too, is a ''poison pill.'' I will not go into all of the details as we will have an amendment later; but let me just say that the LaTourette-Costello amendment, I hope, will be supported by the Members of this body. It is a ''poison pill'' provision, section 903 in this legislation, that is certain to hold the legislation up in the Senate. There is no way that I see the Senate will act on that provision, and the White House, of course, has already issued a statement saying that the President will receive recommendations from his advisers to veto the bill.

□ 1530

If we are serious about passing a long-term FAA bill, this provision must come out. If it remains in the bill, it will be rejected by the Senate and the White House.

Madam Chair, I will again say—and I have said many times before—I will work with my colleagues across the aisle to produce a fair bill that cannot only pass the House but also pass the Senate and be signed into law by the President. H.R. 658 in its current form will not pass the Senate or be signed into law by the President and will require significant changes before it's enacted.

Finally, Madam Chair, let me address a couple of comments that my friend the chairman of the full committee led off with in his remarks. He indicated that the Democrats when we were in charge for all of these years and we weren't able to pass legislation, we had to have 17 extensions. I would remind my friend that both in 2007, 2009, and in 2010 we passed bipartisan legislation to reauthorize the FAA. It was our friends in the Senate, in fairness, that held the legislation up. It took them 3 years to pass an FAA reauthorization bill, and in fact, as my friend from Florida will remember, it was the two Senators from Tennessee that held the bill up in the Senate, and it was two issues that were held up in the Senate, and those issues involved both PFCs and DCA, the number of slots at Washington Reagan National airport.

Madam Chair, I urge my colleagues to vote ''no'' on H.R. 658, the FAA Reauthorization and Reform Act, and hope that after we reject this bill we can go back and get a bill that accomplishes what we set out to do in the legislation, the bipartisan legislation that we passed last year.

Mr. MICA. Madam Chair, can I inquire as to the amount of time remaining on each side?

The CHAIR. The gentleman from Florida has 5½ minutes remaining. The gentleman from West Virginia has 4 minutes remaining.

Mr. MICA. Madam Chair, I would ask unanimous consent to yield 2½ minutes of my time to the gentleman from Pennsylvania and allow him to control it for the purpose of a colloquy.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania will control the time, 2½ minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, as you know the EAS program was established to ensure that smaller communities across the country, including those in my congressional district, retain a link to the national air transportation system. I also understand that we have a severely constrained Federal budget, and I agree with the chairman that we must do more with less and we need to ensure that Federal programs actually make sense.

As a member of the committee, I look forward to working with the chairman to get this long overdue FAA bill to the President's desk for signature, and I look forward to working with the chairman to make the needed changes to the EAS program.

I would now yield 30 seconds to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Essential Air Service assists over 140 communities throughout the United States. EAS, Essential Air Service, works.

Let me talk about two airports, real quick. Williamsport, Pennsylvania. It was on EAS. It needed it to get their deployments up, and frankly, what's happened, it's been successful. It's now off of EAS. The program works. These folks are now operating without that.

Dubois, Pennsylvania. Their deployments are growing at this point, and they are on the right track. The EAS is serving the correct purpose of what it has. If EAS stops and ends, here is what ends in Dubois, Pennsylvania: private sector jobs totaling $9 million in payroll and $28.8 million in economic activity.

I just do my best to encourage the support of the Essential Air Service. I do think it's very important for rural America.

Mr. SHUSTER. I agree with the gentleman.

I yield 30 seconds to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. This bill will ensure the much-needed long-term stability and development of our Nation's aviation infrastructure. However, I am incredibly concerned about the provision in this bill that would phase out Essential Air Service. EAS is critical to large States like my own. Rural regions rely on EAS for vital air transportation. In North Dakota, airports like Jamestown

and Devil's Lake would not be able to provide critical air service without this support.

I've spoken with Chairman MICA, and I understand the need for the process to keep moving forward with this bill. This bill contains many good provisions that I support. I also know how vital rural access to essential aviation is. So I would ask the gentlemen from Florida and Pennsylvania if they'd commit to working with me and other Members to support the EAS program.

Mr. SHUSTER. I thank the gentleman from North Dakota.

I yield 30 seconds to the gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Madam Chair, we have spent the last 3 months debating the need to get spending under control, and it's a good thing. That's why my constituents sent me here, and that's what I plan to continue to do.

But we also need to remember that we need to look to get spending under control and help our economy and create jobs. A large part of that is providing certainty for the American people, and like many of my colleagues, I represent the rural parts of America. Many of them are concerned with the uncertainty that removing this program, Essential Air Service, too quickly would bring. Many of the communities in rural America, including those in South Dakota, that rely on this program use it as an economic development tool. They understand that they won't be using EAS forever.

But I'm concerned, Madam Chair, that we may not be providing them with the time that they need to plan under this bill. This issue deserves additional consideration. I hope that as we move forward with conference conversations with our Senate colleagues that this is given much more careful consideration, and I look forward to working on it with them.

Mr. SHUSTER. I thank the gentlelady from South Dakota.

I look forward to working with the chairman, the gentlelady from South Dakota, and the gentlemen from Pennsylvania and North Dakota as the bill moves forward on EAS.

Mr. RAHALL. Madam Chair, I would defer to the Committee on Ways and Means.

Mr. BLUMENAUER. I would claim the time for Ways and Means.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

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

I have appreciated the debate here on the floor talking about the essential services that are included in the FAA reauthorization, but sadly, some of the consequences are for significant cuts in vital services—I hear some of my friends talking about Essential Air Service. It impacts my State. We're looking at significant reduction in airport construction, and as we've heard, it would stop NextGen, as the former administrator under the Bush administration was quoted as saying, ''in its tracks.'' But Madam Chairman, it doesn't need to be this way. We can, in fact, respect the concerns about not adding to the deficit without shortchanging these essential programs.

Our friends in the Senate, have provided one of those rare occasions where the other body has shown us the way. They have passed in the last year, with 93 votes last year and 87–8 votes already in this session, a reauthorization that actually adds revenues, but not general taxes, but there's been an agreement that has reached overwhelming consensus. You don't get 87 votes out of the other body for raising revenue unless there's broad acceptance with the industry, with those who are regulated and those who are concerned about preserving these essential services. There's an agreement within a broad swath of the industry to increase the fuel tax, a user fee for the people who benefit.

Another critical area that the bill is silent on, and in fact we haven't adjusted for 10 years, is the ceiling on the passenger facility charge. This isn't even a tax that Congress imposes. It is simply an authorization for what local authorities can decide makes sense for their vital programs.

Madam Chair, we don't have to choose between tens of thousands of jobs lost, putting the traveling public at risk, delaying essential efficiency improvements, and cuts to vital programs or increasing the deficit. We can simply move forward with simple, commonsense, broadly agreed upon proposals to adjust revenues to have the flexibility, to make the investment that's going to make a difference for years to come, and make the difficult job of the chair and the ranking member and the two subcommittees, to make that difficult job much easier.

□ 1540

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from Tennessee (Mr. DUNCAN), the chair of the Highways Subcommittee of the Transportation and Infrastructure Committee.

Mr. DUNCAN of Tennessee. I thank the gentleman from Florida for yielding me this time.

I rise in support of this bill and commend Chairman MICA and Chairman PETRI because, as a former chair of the Aviation Subcommittee, I know how difficult it is to bring all the competing interests together to produce a bill such as this.

However, I would like to raise one issue that I still have some concerns about. It has been brought to my attention by a former outstanding Member of this body, Jim Coyne, a former Congressman from Pennsylvania who has been the long-time head of the National Air Transportation Association, that some airports are engaging in activities that compete with privately owned fixed-base operators. I did not file an amendment because the chairman has graciously agreed to hold a formal roundtable discussion about this matter and begin working to make sure that this does not become commonplace.

I hope that this is not a trend that will continue because privately owned businesses should not have to compete with the government or quasi-governmental agencies, such as airport authorities, which do not pay taxes and are not subject to all of the rules and regulations that private businesses are.

Each time there has been a White House Conference on Small Business—and they have held one on average every 5 years since 1955—either the number one concern or one of the top three concerns at all these White House Conferences on Small Business has been freedom from government competition.

Madam Chair, since the Eisenhower administration in 1955, it has been U.S. policy—or was supposed to have been—that ''government should not start or carry on any commercial activity to provide a service or product for its own use if such a product or service can be procured from private enterprise through ordinary business channels.'' So that is my concern, and we are going to continue working on that.

I also want to mention a very commonsense amendment that will be filed later by Mr. SHUSTER on behalf of myself and Mr. MEEHAN, my two colleagues from Pennsylvania. This amendment that we will be filing does two very simple things: it states that the FAA should not use a one-size-fits-all approach when considering new regulations. It also requires the FAA to take into consideration the cost it is imposing on the private sector when issuing new regulations.

This amendment simply codifies much of an executive order issued by President Obama on January 18 of this year. Quoting from the President's executive order, it said our regulatory system ''must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative.''

In addition, FAA Administrator Randy Babbitt has stated that a one-size-fits-all approach to rulemaking can make aviation less safe. There are different segments of the aviation industry that face very different challenges. I believe that by tailoring the regulations toward these different segments of the industry, we can make aviation safer by helping address the different challenges that different types of businesses face.

Finally, I would like to say that I agree with the chairman about overstaffing with regard to our aviation regulation. I am amazed, Madam Chair, at how many Members and private citizens have expressed concerns about TSA overstaffing and have mentioned the lines of thousands standing around. The number of screeners has gone up, as I understand it, from 16,000 prior to 9/11 to 61,000 now. That is simply far, far too many; and that needs to be looked into. And I know the chairman intends to do that. I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Madam Chair, may I inquire as to the amount of time remaining for Ways and Means.

The CHAIR. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. Madam Chair, I would ask unanimous consent that these 2 minutes be assigned to the gentleman from West Virginia (Mr. RAHALL).

The CHAIR. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Madam Chair, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), the lead Democrat on our Highways and Transit Subcommittee.

Mr. DEFAZIO. Unfortunately, this legislation, under the guise of being fiscally prudent, is going to delay vital safety and capacity needs and enhancements to our aviation system, condemning future air travelers to even more congestion, more delays, more wasted fuel. It's going to cut an already inadequate inspection force—again, threatening safety. And then there are other provisions that are problematic.

The gentleman from Arizona may ask for a vote on an amendment to change the very fair and competitive slot language for National Airport in the bill into an unfair earmarked anticompetitive amendment that would give potentially 70 percent of long distance flights out of National Airport to two airlines, about 50 percent to one airline. And he calls it competition. Now I don't know what planet he's from, but that's not competition where I come from, an underserved west coast market that has very few opportunities for my people to access National Airport.

And then, finally, a labor provision that was thrown in rather gratuitously that says that anyone who chooses not to vote in an election will be counted as a ''no.'' The interesting thing is, if we had that same standard for elections to the United States House of Representatives, not one single Member now sitting would have won their election because it's not just the people who are registered to vote. It's anybody who is eligible to vote. And if they don't vote or don't register to vote, they count as a ''no.'' I mean, some people might be happy, there would be no House of Representatives. But at least the sitting Members would not be here. They want to apply that standard to representation for labor unions. That's incredibly unfair, shortsighted, and would overrule the National Labor Relations Board.

Finally, Essential Air Service. We are supposed to have a system of universal air transport. It is critical to many small and developing communities, rural communities like I represent, to have a continuation of Essential Air Service.

Mr. MICA. Madam Chairman, I understand that the Ways and Means Committee is in markup. I would like to ask unanimous consent to claim their time, I believe that is 5 minutes on our side, that the Transportation and Infrastructure majority be permitted to claim that time.

The CHAIR. Without objection, the gentleman from Florida will control the 5 minutes allotted to the Ways and Means Committee.

There was no objection.

Mr. MICA. Madam Chairman, I am so pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), one of the senior members of the T&I Committee and a leader on the Judiciary Committee.

Mr. COBLE. I thank the chairman for yielding.

I rise in support of this bill, which is financially sound and with no tax or fee increases. Simply put, the measure is long overdue, and the aviation sector needs certainty. We need to finish the task at hand. The manager's amendment considered later today includes language that will provide clarity for musicians who travel with small instruments. And I'm not talking, Madam Chair, about stand-up basses or harps.

Current policy varies from airline to airline as to what instruments are permitted onboard. The amendment strikes a delicate balance to ensure musicians can attain certainty and safety is ensured. I am appreciative to the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) and to all staff who worked with me on this provision, and I thank them for its inclusion.

I also support an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) that will help FAA regulations conform to reasonableness and reality. This amendment requires the FAA to recognize distinctions between sectors of the aviation industry and tailor regulations to each sector's facts. It also conforms FAA rulemaking to a number of good-government principles, such as cost-benefit analysis, use of the best available information, and consideration of regulatory impacts on the economy.

Finally, later today there will likely be vigorous debate on recent action by the National Mediation Board on labor elections. Under previous guidelines, a majority of the eligible electorate must vote in favor of unionization. Under the new rules, this majority is defined by those who actually vote in elections. This action overturns precedent that has been in place for the past 70 years that worked well. This issue is about fairness to all parties and, in my opinion, the appropriate way forward is past policy, not those in place today.

□ 1550

Mr. RAHALL. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of our Committee on Transportation and Infrastructure.

Mr. NADLER. Madam Chairman, this bill drastically cuts funding for FAA programs, threatening the development of the NextGen air traffic control system and requiring the furlough of hundreds of safety-related employees.

The bill also would change the National Mediation Board's election rules. Airline and railroad workers would no longer vote for union representation by a majority of those voting but by a majority of all those eligible to vote. It would be extremely undemocratic to thus count votes not cast as ''no'' votes. No election in any free country does so. And I urge my colleagues to support the LaTourette-Costello amendment to strike this provision.

I also oppose provisions in the manager's amendment providing liability immunity for the airlines and limitations on discovery. Section 336 would block access to safety-related data through discovery and would block use of such information in court. It is virtually unheard of for Congress to simply declare that broad categories of information cannot be obtained by a party to a lawsuit or even used as evidence in a legal proceeding.

Section 337 provides immunity to airlines and their agents for any type of damage resulting from an event contemplated by a safety management system. These systems are designed to analyze virtually every kind of risk, so granting this immunity would make it virtually impossible to hold an airline or individual accountable for negligence causing almost any accident. This liability shield would deprive injured victims of their rights and would also preempt State tort law.

We haven't held any hearings on this in the Transportation Committee or in the Judiciary Committee, which, frankly, has jurisdiction and the proper expertise with which to analyze such grants of immunity, and we haven't heard any evidence to justify these dangerous restrictions.

I find it hard to believe that anybody thinks that airlines should be allowed to act with negligence and be free from liability should you or I or any other American be injured or maimed or killed as a result of the negligence.

For all these reasons, I must oppose the bill.

However, I do want to thank Chairman MICA and Congressman COBLE for including language in the manager's amendment to strengthen the provisions guaranteeing the right to carry or check musical instruments onto an

airline. This is an issue I've worked on for many years, and I am very pleased to see it finally moving forward.

I hope that we can continue to find areas of agreement, since passage of a long-term FAA authorization bill is long overdue. I look forward to working with my colleagues in that spirit. But until the funding levels are increased, the safety and worker provisions are in place, the poison pill provisions about union votes are removed, I cannot support this bill.

Mr. MICA. Might I inquire as to how much time remains?

The CHAIR. The gentleman from Florida has 3½ minutes remaining. The gentleman from West Virginia has 2 minutes remaining.

Mr. MICA. I would like to reserve my time that I acquired on behalf of the Ways and Means Committee to close and, I believe, if it's appropriate, have the Science Committee, which I think is yielded 5 minutes on each side, go forward prior to my close.

Mr. HALL. I yield myself such time as I may consume.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HALL. Madam Chair, I rise in strong support of H.R. 658, legislation reauthorizing the Federal Aviation Administration through fiscal year 2014.

Title X of H.R. 658 reauthorizes the agency's research and development programs. It was drafted by the Committee on Science, Space, and Technology as H.R. 970, the Federal Aviation Research and Development Reauthorization Act of 2011. On March 17, the committee met, amended and approved H.R. 970. The rule accompanying H.R. 658 fully incorporates the language from our amended bill into title X, which we support.

With regard to funding, title X adheres to the same principles of the larger bill, providing authorization levels for the Research, Engineering and Development account at the fiscal year 2008 level for the fiscal years 2012 through 2014. For fiscal year 2011, the authorization is a hybrid of current spending under the continuing resolution and the FY 2008 level.

Further, our bill authorizes spending for research and development activities that are funded through the agency's Facilities and Equipment and Airports accounts. None of our members relish cutting R&D funding, but members on our side of the aisle were passionate in their belief, as I am, that we must reduce Federal spending, and the FAA, like every other Federal agency, must bear some burden and some measure of burden.

Research and development plays a critical role at FAA, providing the agency with the tools and technologies it needs to carry out a diverse set of missions. The largest R&D program currently underway supports development of a whole host of technologies required to ensure successful deployment of the Next Generation Air Transportation System.

R&D also is fundamental to FAA's role in the safety of air travel, giving the agency the insight and data required to develop tools and policies guiding the introduction, use and the maintenance of new materials and systems incorporated in the modern jet aircraft.

These technologies are necessary if we're to continue improving the national airspace system's safety, efficiency and security, especially considering the critical role now played by aviation in our Nation's economy and public safety.

In addition, title X directs FAA to undertake research in a number of areas, including the safe operation of unmanned aircraft systems in the national airspace, research on runways and engineered material restraining systems, research on developing unleaded fuel for the use in general aviation piston engine aircraft and on the development and certification of jet fuel from alternative sources, and research on the effects of aviation on the environment.

There are many other activities too numerous to mention here, but I did want to provide examples to Members of the broad sweep of FAA-sponsored R&D.

Finally, I understand Chairman MICA's amendment offered to the bill seeks to modify certain provisions while also adding a few. A specific provision amends existing law found in title 51 of the United States Code regarding the Office of Commercial Space Transportation. I support the goal of this language with the understanding that the inclusion of this language does not alter the jurisdiction of my committee on this issue and that the chairman of the Transportation and Infrastructure Committee will work with us to ensure this provision or similar provisions are preserved, they are preserved as we continue to move through the legislative process on H.R. 658, including any negotiations or conference with the other body.

Madam Chair, in closing, I want to urge all Members to support this bill.

I reserve the balance of my time.

Ms. EDWARDS. Madam Chair, I yield myself such time as I may consume.

The CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. The need for a long-term Federal Aviation Administration, FAA, reauthorization act is clear; but H.R. 658 reauthorizes the FAA for 4 years, and the arbitrary spending cuts that our Republican colleagues have imposed on the agency in H.R. 658 will devastate FAA's ability to improve flying safety and to modernize the Nation's air traffic control system. For this reason, unfortunately, I cannot support the bill.

H.R. 658 proposes a 23 percent—an unbelievable 23 percent—cut to FAA's research, engineering and development accounts from the funding levels enacted by Congress for fiscal year 2010. These cuts are not related in any way to a lack of need for the research. In fact, the committee, in multiple hearings, acknowledged the need for the research. The Congress heard expert testimony from witnesses who have stressed the importance of investing in both research and development and in the NextGen modernization initiative, and have warned of the negative impact that cuts will have on the Nation's air traffic control system and the flying public.

To cut FAA's R&D efforts so drastically while we're trying to recover from a recession and while oil prices every day climb higher risks stifling this industry and the millions of jobs it supports.

But I also want to be clear that the research and development work that is done at FAA helps to protect the safety of all the flying public. These cuts to aviation safety-related research have a high probability of reducing the safety of our air transformation system. These effects may not be felt today or tomorrow, but they will be felt, and they will have serious consequences for the flying public.

Madam Chair, Democratic members of the committee attempted to prevent the cuts to three key safety research initiatives at our committee's markup of H.R. 970. These amendments, if adopted, would have increased the 4-year authorization amount by a total of $16 million, or less than 3 percent of the $600 million authorization in the bill—a small amount for such a huge payoff.

□ 1600

As noted in the committee markup, these costs really pale in comparison to even a single major aircraft accident both in terms of money and the horrible loss of life. Unfortunately, our Republican colleagues voted to reject each of these key safety amendments and research amendments that go to safety. And the choice couldn't be more clear. Our colleagues chose to make the flying public less safe in order to meet a very arbitrary goal for cutting Federal spending.

I share our colleagues' concern about the Nation's deficit, but we reject any notion that addressing the Nation's deficit requires us to make our Nation's transportation system less safe.

As we move forward in the negotiations with the Senate over a final FAA reauthorization, I remain committed to ensuring the safety of our Nation's air transportation system and hope that our Republican colleagues will join in this effort.

In conclusion, I would like to speak to a measure in the provision of the underlying bill that has me greatly troubled, and that has to do with union elections. It is staggering to me that we have decided that we are going to count not voting as a ''no'' vote.

I just took a look at the winning numbers for our leadership. Our Speaker was elected in 2010 with 142,700 votes. His opponents and those who weren't

registered totaled 482,170 votes. If we had used this same theory, this same strategy for our own elections and for the election of Speaker BOEHNER, he would have lost that election by 339,000 votes. And that goes for each of us. And perhaps the public wants that. Maybe we should all be counting nonvoting as ''no'' votes, and then we could completely change this House of Representatives. But that is not the way we run elections, and that is not the way we should run union elections. So it is unfortunate that the majority has decided to put this poison pill into the underlying legislation that makes it unsupportable on this side of the aisle.

With that, I would ask unanimous consent to yield the balance of my time to the ranking member on Transportation and Infrastructure, the gentleman from West Virginia (Mr. RAHALL).

The Acting CHAIR (Mr. BASS of New Hampshire). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. And how much time remains?

The Acting CHAIR. There is 30 seconds remaining for the gentlewoman from Maryland.

Mr. HALL. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PALAZZO) such time as he may consume.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. PALAZZO. Mr. Chairman, I rise to join Mr. HALL, chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization of safety programs at the FAA, and do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA's research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA's research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our Nation's air traffic control system, increasing its capacity, safety, security, and efficiency. But this ambitious program will not succeed without a well structured, well managed research and development program that will deliver appropriate technologies when and where they are required.

To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability, research to better understand human factors in a highly automated environment, wake turbulence prediction, and research on aircraft technologies.

What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford business as usual by routinely increasing Federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

Mr. Chair, I rise to join with Mr. HALL, Chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization and safety programs at the FAA, and to do so in a fiscally responsible manner.

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Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our nation's air traffic control system, increasing its capacity, safety, security, and efficiency, but this ambitious program will not succeed without a well-structured, well-managed research and development program that will deliver appropriate technologies when and where they're required. To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability; research to better understand human factors in a highly automated environment; wake turbulence prediction; and research on aircraft technologies. Ultimately, tens of billions of dollars are at stake both by government and industry if we're to enable the full realization of NextGen, and ensure its success the agency needs a strong R&D program.

Title X of H.R. 658 also supports FAA's traditional safety research, and it directs the agency—in coordination with NASA—to assess the environmental impact of aviation. To be clear, the environmental research will help FAA better measure the effects of aviation, and where warranted, to develop technologies to mitigate them. For example, using biomass-based feedstock to develop jet fuel. But just as importantly, an environmental assessment will also give industry a baseline against which progress on impacts can be measured, which is a metric we do not have today.

There are some Members who may argue that this bill is counterproductive because it reduces FAA's authorization levels, asserting, for instance, that it imperils public safety by eliminating safety-related research. To those who raise such claims, I respectfully disagree. In this bill, we're not eliminating any program. What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford 'business as usual' by routinely increasing federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

The Acting CHAIR. All time has expired for the Committee on Science, Space, and Technology.

Mr. RAHALL. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 3½ minutes.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me applaud the work of this committee, and particularly Mr. RAHALL and Mr. COSTELLO, whom we work very closely with. I serve as a ranking member on the Transportation Security Committee, and I can't imagine a more perfect fit than the question of safety and security for our traveling public, and I thank the chairman of the full committee and others associated with this legislation, however disappointed I am in having to come to the floor and raise questions about our next steps. And I am particularly devastated about the cuts in the FAA's Next Generation Air Traffic System, the NextGen.

Whenever you think of air traffic controllers, I want you to think of them as first responders, of which I will discuss in an amendment that I have regarding the issue of ensuring the kind of staffing needs necessary to engage in security. But further, since I have one of the largest airports in the country, Bush Intercontinental Airport, of which we were proud to name, I am disappointed that the FAA Improvement Program has been cut and, therefore, construction improving runways, taxiways, terminals. There's one thing about getting up and getting in the air and having that beautiful feeling. But what about coming down and not being able to work?

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

Mr. RAHALL. I yield an additional 15 seconds.

Ms. JACKSON LEE of Texas. And let me say I am disappointed that we would have a Shuster amendment that would really put a dent in the pilot fatigue rulemaking. That is very important. And then of course the issue dealing with the Costello-LaTourette amendment, which I support. How can you win by 70,000, then you count the people who didn't vote, and you lose by 150,000? Let's be fair. Let's have a bill that responds to the needs of all.

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

Mr. Chairman, I really appreciate the sincere efforts of the chairman of my committee Mr. MICA, the subcommittee chairman Mr. PETRI, and our ranking Democrat on the subcommittee, Mr. COSTELLO.

There have been serious efforts to work in a bipartisan way, but I fully realize that on the majority's side a lot of these decisions, a lot of these funding levels are not necessarily made by

the chairman of the full committee and the chairman of the subcommittee, but rather by other forces that are out there on the majority's side. I also recognize that a lot of these decisions are made at levels higher than the chairman's, at levels higher than even that at which airplanes fly. So this is not all necessarily the chairman's fault.

I think it would be fair to warn the body that the administration has issued their position on this legislation. And they say that if the funding were appropriated at the levels proposed in the bill, the safe and efficient movement of air traffic, on the ground and in the air, would be degraded today and in the future.

And, more importantly, the administration has reiterated its opposition to the poison pill labor provisions in this bill, and has said if the President is presented with a bill that would not safeguard the ability of railroad and airline workers to decide whether or not they would be represented by a union based upon a majority of the ballots cast in election, or that would degrade safe and efficient air travel, his senior advisers would recommend that he veto the bill.

Mr. Chairman, I urge that the House do not accept this bill. We have even further degrading amendments to safety that will come later in the amendment process that I want to reference very quickly at this point, including one that would allow more flyovers at sports events.

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

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. I appreciate it. Thank you, Mr. Chairman.

This would go against a ban instituted after 9/11 that prohibited flyovers at sports events for safety reasons. So that comes later on in the amendment process. I think it just shows the threats that we are posing to the safety of the air traveling public if this bill were to pass as it is. I urge its opposition.

Mr. MICA. Mr. Chairman, as we close debate on the long overdue FAA reauthorization, first I have to thank my copartner in this, the gentleman from West Virginia (Mr. RAHALL). He is a gentleman. It is great to work with him. I have to thank also Mr. PETRI, the chair of the Aviation Subcommittee, he and Mr. COSTELLO, two gentlemen who have worked hard to bring the bill to this point. It has been a struggle for 4 years, and now, to get here. But I am pleased that we are at this point. There are differences of opinion about the bill.

I have to take a moment to thank staff on both sides. They are great, and have been working together to get us to this point. And we will debate the amendments and the differences, and then we will hopefully pass this and get people working and get our aviation policies secure for the Nation.

□ 1610

I have to thank Mr. HALL, the chairman of the Science and Technology Committee, for his provisions to make certain that research in aviation is done. Mr. CAMP brought a proposal here from Ways and Means that doesn't raise taxes, that doesn't increase fees. There are no passenger facility increases. So those kinds of things.

We brought a bill. It does have $59 billion over 4 years—this isn't small potatoes—and it can, if properly expended and wisely applied, can do well for the Nation, ensuring safety in programs that are so important and moving jobs that are so critical. 9.3 percent of our economy depends on this legislation.

The colloquy between Mr. SHUSTER and the gentlelady from South Dakota (Mrs. NOEM) and the gentleman from North Dakota (Mr. BERG) and the gentleman from Pennsylvania (Mr. THOMPSON) on Essential Air Service, I understand their concerns and their great advocacy for their constituents and making certain that service is there. We do have a sunset provision. We will work with them and we will do our best. But I agreed to work with them, and I reconfirm that here.

Finally, letters of support. You heard the other side state that nobody supports this. I have a list of 45 major associations, every major organization in the aviation industry, and I will submit that for the record. On the question of AIA support, I have a letter of support from Marion Blakey, showing their support of this legislation.

In conclusion, we are doing here something that needs to be done. This is very important. It has been left aside. Seventeen extensions. When the other side, of course, had huge majorities, they could have done this almost by unanimous consent with the President.

Now, the President threatened to veto this. I am not going to say, ''Make my day,'' but I want to say that this is a fair provision, fair to everyone in labor, fair to everyone who wants to join a labor union, to keep 70 years of law that has been on the books and not change it because you have jerry-rigged the membership of the National Mediation Board. So let's be fair, fair going in and fair coming out. This provision that we have in the bill creates fairness.

BROAD SUPPORT FOR H.R. 658—FAA REAUTHORIZATION AND REFORM ACT OF 2011

Aerospace Industries Association (AIA); General Aviation Manufacturers Association (GAMA); Air Transport Association (ATA); Experimental Aircraft Association (EAA); International Association of Fire Chiefs; Air Medical Operators Association (AMOA); Association of Air Medical Services (AAMS); Aeronautical Repair Station Association (ARSA); U.S. Chamber of Commerce; Cargo Airline Association (CAA); National Business Aviation Association (NBAA); National Air Transport Association (NATA); National Air Carrier Association (NACA); Association of Unmanned Vehicle Systems International (AUVSI); Alliance for Worker Freedom; AdvaMed; Airforwarders Association; Association of Home Appliance Manufacturers; AT&T; Boston Scientific; Consumer Electronics Association.; Consumer Electronics Retailers Coalition; CTIA—The Wireless Association.

Dangerous Goods Advisory Council; DHL; Express Association of America; FedEx Corporation; Garmin; Hewlett-Packard; International Air Transport Association (IATA); Information Technology Industry Council; Johnson Controls; Motorola Mobility; Motorola Solutions; National Association of Manufacturers; National Electrical Manufacturers Association; National Retail Federation; Power Tool Institute; PRBA—The Rechargeable Battery Association; Retail Industry Leaders Association; Samsung SDI; Security Industry Association; Sony; UPS; The International Air Cargo Association.

AEROSPACE INDUSTRIES ASSOCIATION,
*Arlington, VA, February 16, 2011.*

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives.*

Hon. NICK J. RAHALL,
*Ranking Member, Committee on Transportation and Infrastructure, House of Representatives.*

CHAIRMAN MICA, AND RANKING MEMBER RAHALL; I write today to express the Aerospace Industries Association's (AIA) support for the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as introduced by the House Transportation and Infrastructure Aviation Subcommittee February 11, 2011.

During my February 9 testimony, I outlined a number of initiatives the FAA may undertake to reduce duplicative efforts, measure the effectiveness of existing processes, and capitalize on the experience and efficiency of the private sector. These efficiencies are paramount to ensuring the FAA's ability to maintain the highest level of safety, provide oversight responsibilities without delaying manufacturers' ability to compete internationally, and aggressively advance the Next Generation Air Transportation System (NextGen).

AIA is pleased with the Committee's decision to address key policies such as environmental streamlining, third party performance based navigation procedure design, and the establishment of NextGen performance metrics. Further, the Committee's acknowledgement of the benefits of bilateral aviation safety agreements and a risk based inspection regime when applied to repair station oversight cannot be overstated. These carefully negotiated agreements increase FAA's efficiency, enhance FAA's international safety oversight and help protect U.S. jobs.

FAA is the global gold standard for aviation safety and standards. U.S. civil aviation manufacturers are the world leaders in advanced aerospace technology, innovative satellite-based procedures and airspace design. The policies outlined in H.R. 658 permit the FAA to not only pursue efficiencies for the flying public but also protect the investment of the American taxpayer.

If AIA can provide any technical assistance or answer any questions, please do not hesitate to call me directly.

Sincerely,

MARION C. BLAKEY.

GENERAL AVIATION MANUFACTURERS ASSOCIATION,
*Washington, DC.*

STATEMENT OF PETE BUNCE ON INTRODUCTION OF H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011

We welcome the leadership of Chairmen Mica and Petri in developing and introducing this legislation and look forward to

working with them and ranking members Rahall and Costello on its passage. There have been far too many delays in reauthorizing the programs of the FAA and we hope that timely action will continue. H.R. 658 contains many provisions important to general aviation manufacturers including:

(1) strengthening the ability of FAA to implement the procedures, policies, and technology necessary for the success of NextGen;

(2) enhancing repair station safety oversight through a risk-based approach and leveraging safety resources efficiently;

(3) supporting a critical safety agreement between the U.S. and Europe;

(4) reviewing and reforming existing FAA certification processes to streamline and make more efficient the current system without compromising safety; and

(5) establishing an FAA-industry group to ensure consistent interpretation of regulations and effective communication about potential changes.

We look forward to continuing to work with all members of Congress to ensure that the funding levels in the bill will support critical NextGen investments and the certification resources necessary to create jobs in this country and maintain our global competitiveness.

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CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
*Washington, DC, March 31, 2011.*

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges Congress to reauthorize federal aviation programs. H.R. 658, the ''Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011'' is an important step toward achieving this goal. The Chamber strongly supports several provisions of H.R. 658 and provisions expected to be included in the manager's amendment. However, the Chamber strongly opposes amendments that have been filed regarding lithium-ion batteries and repeal a National Mediation Board rule and supports an amendment to improve the FAA rulemaking process.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. The U.S. aviation system must transform to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. Moreover, investment in America's transportation system is important to U.S. productivity and economic competitiveness in the long run, and investment in transportation infrastructure supports jobs in the near term.

The Chamber supports several policy related provisions of H.R. 658 and the manager's amendment that would:

Strengthen the ability of FAA to implement the policies, procedures and technologies needed to fully implement the Next Generation Air Traffic Control system (NextGen).

Assist the aviation community with aircraft equipage necessary to move NextGen forward. Without ensuring that air infrastructure—advanced technologies installed in aircraft, commonly referred to as equipage—is aligned with ground infrastructure, the benefits of NextGen cannot be realized fully and the return on the investment in the air transportation system will be delayed. Because of the significant costs associated with aircraft equipage, assistance is needed. According to the Air Transport Association, the equipage cost for ADS–B could total between $3.5 and $5 billion. For the aviation community to benefit from these technologies, the FAA must implement more efficient routings and changed procedures and provide federal funding assistance to achieve implementation of such a requirement.

Preserve the effective and efficient Block Aircraft Registration Request (BARR) program, which allows business aircraft operators with privacy or security concerns for their operations to request that Aircraft Situation Display to Industry (ASDI) data provided to the Federal Aviation Administration be blocked from public dissemination. These requests are routinely honored, and FAA has provided no data to demonstrate that changes to the BARR program are necessary.

With respect to funding levels, the Chamber strongly supports provisions of the bill that would provide a robust General Fund contribution to aviation programs. Historically, the general fund has been used to pay for a significant portion of the FAA's costs, which provides important public interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national passenger and freight air transportation system.

However, the Chamber is concerned with overall reduced funding levels in H.R. 658. Of particular concern are cuts to the Airport Improvement Program. The Airport Improvement Program is an important source of funding for capital projects and contributes to safe, secure, and efficient airport facilities. The proposed funding levels fall short of the amounts needed to maintain, modernize and expand critical aviation infrastructure. In addition, decreased funding for this program would reduce jobs supported by these projects. We urge Congress to address this important issue during the conference.

The Chamber is concerned with several amendments that may be considered during floor debate of H.R. 658 related to:

FAA Rulemaking: The Chamber strongly supports an amendment filed by Rep. Shuster that would require FAA to consider different industry segments in its rulemaking proceedings and to perform comprehensive cost-benefit analyses. FAA practice in certain rulemakings has been to overlook significant operational differences within the industry and promulgate rules that impose substantial costs without producing commensurate benefits.

National Mediation Board: The Chamber strongly opposes an amendment filed by Rep. LaTourette that would remove Section 903 of H.R. 658. This section of the bill would repeal recent revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act. The National Mediation Board's revisions, which were made at the request of the AFL–CIO, overturned more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule jettisoned by the Board. Further, while the Board has made it much easier to form a union it has not addressed the double standard that makes it nearly impossible for employees to decertify an unwanted union. In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized. Simply put, the Board's regulatory process on this process was egregiously flawed. Congress should not permit an agency to set policy in such a manner.

Lithium Ion batteries: The Chamber strongly opposes an amendment by Rep. Filner, which would prevent harmonization of federal regulations with international standards concerning the shipment of lithium ion batteries. Provisions of the manager's amendment would help ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization. Such harmonization would enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S.

The Chamber urges Congress to approve a multi-year aviation bill, and H.R. 658 is an important step towards achieving this goal. The Chamber will consider including votes on or in relation to the Filner, LaTourette and Shuster amendments in our annual How They Voted Scorecard.

Sincerely,

R. BRUCE JOSTEN,
EXECUTIVE VICE PRESIDENT,
*Government Affairs.*

Mr. THOMPSON of Pennsylvania. Mr. Chair, the Essential Air Service Program (EAS) assists 140 rural communities across the country that otherwise would not have scheduled air service.

As a long-time proponent of the program, I believe Congress has an obligation to provide a level playing field for rural Americans when it comes to transportation and the economic opportunities that the national transportation system provides.

Opponents of the program claim that it is wasteful or that it does not work. Well, I disagree with them on several accounts.

Pennsylvania along with the rest of the country had suffered from severe downsizing of connecting airports, followed by the unfortunate impacts of the current recession. Despite these factors, the Commonwealth is beginning to see increased economic output as a result of the Marcellus Shale natural gas play. The Marcellus has the potential to revitalize industry and ancillary businesses throughout the region, resulting in amplified air service. In other regions of the country the economic climate is also beginning to pick up.

A prime success story of the EAS program has been the Williamsport-Lycoming County Airport, which first entered into the program in 2008. Today, the airport is no longer participating in the program because of increased economic output in the region and the availability of flights that make sense for business travelers. This is largely a direct result in the community investment in the EAS program, which has lifted them out of the program. Today, their direct flight to Houston, Texas lends ancillary support to the emerging natural gas industry in Pennsylvania.

Another pending success story in Pennsylvania's 5th congressional district is the Dubois Regional Airport. Dubois Regional has greatly benefitted from the EAS program and as a direct result of the air service, the airport is responsible for contributing to the local workforce with 132 jobs and a payroll of over $9 million, which creates a total economic benefit of over $28 million to the region and state.

Mr. Chair, these stories are not unusual. These stories are replicated throughout the communities the EAS Program serves.

Let me put it this way; there is not an airport in America that does not receive some sort of federal assistance for operations or capital improvements. Why should this be any different for our rural communities?

The program is not perfect. I believe we need to insert into the law incentives which allow for more community involvement. But, Mr. Chair, I cannot in good faith support a sunset of the program as included in H.R. 658.

As the legislative process moves forward, I will join with those members who share my belief that this program works in weighing in with the conferees, to ensure the language which sunsets the program is not included in the final product of the FAA authorization.

Mr. PASCRELL. Mr. Chair, I come to the floor to speak about basic notions of fairness and democracy.

As a former member of the House Transportation Committee, let me acknowledge that I understand the importance of a strong and robust FAA Reauthorization Bill. Historically, it has been our shared goal of modernizing our system, expanding capacity, and putting people to work. Unfortunately, by nickel and diming the system, the bill on the floor today falls short of achieving these important goals.

Furthermore, today's bill contains a poison pill for those Americans working hard on our airways and railways that would change the method of counting votes in a union election.

Last year, the National Mediation Board rightly decided that union elections for workers in the airline and rail industries would be counted just as we count every other vote, whether for President, Congress or even when voting on legislation here in the House of Representatives.

It's simple: if you show up and vote ''yes,'' it's a yes. If you show up and vote ''no,'' it's a no.

But this legislation would repeal the ruling of the NMB and count ghost votes, because if you do not show up, you're considered a ''no.''

We cannot continue to attack hard working employees across this country for political purposes. I urge my colleagues to support the LaTourette/Costello Amendment to strike this misguided section of the bill and preserve fairness in union elections.

I am also happy that my friend, Mr. LOBIONDO's amendment for the NextGen Center of Excellence was agreed to. I have been with my colleague from south Jersey to the FAA Tech Center and know that it does a fantastic job. Supporting these employees also means providing the best training possible, which in turn will make our skies safer and the flow of commerce better.

Finally, I would like to stand with the families of the victims of Flight 3407, and oppose the amendment from my friend Mr. SHUSTER. We need to stand behind the law we passed last year to improve safety standards, and continue to demand one strong level of safety for the entire aviation industry.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 658 as it currently stands. While I support a long-term reauthorization of the Federal Aviation Administration, this bill is the wrong approach to doing so. I was extremely disappointed in the decision of my Republican colleagues to slash funding levels for the FAA by $4 billion over the next four years. These proposed cuts would jeopardize the Next Generation Air Transportation System air traffic control modernization efforts and devastate safety-sensitive programs.

Worse yet, H.R. 658 slashes the FAA's Airport Improvement Program (AIP) by $2 billion through 2014. The AIP program is essential for airports to handle current traffic levels as well as build infrastructure to address future demand. Not only does it help airports build and improve runways, taxiways, and terminals, but it also helps airports mitigate noise levels, and improve safety and security at their facilities. Please allow me to give you an example of how this program has helped the people of Michigan's 15th congressional district, and why it deserves proper levels of funding. My district contains Detroit Metropolitan Wayne County Airport (DTW), which serves over 35 million passengers annually and is one of the newest, most operationally-capable, customer-friendly and efficient airports in North America with more than 1,200 non-stop flights per day to over 160 destinations worldwide. Since 2009, DTW airport has received over $21 million in federal grants from the FAA through the AIP program. These grants helped DTW rehabilitate the runaways and taxiways, reduce noise levels, install taxiway lighting, install guidance signs, and install perimeter fencing. If DTW had not received these grants, it would not have made these upgrades.

Thus, the $4 billion in cuts contained in H.R. 658 will prevent airports like DTW from making necessary upgrades to their facilities, prevent the implementation of new safety standards, reduce safety personnel, and cost 70,000 jobs around the nation. If this bill passes with these budget cuts intact, then passengers at airports across the nation can expect increased delays, overcrowded airports, decreased safety, and crumbling infrastructure. I therefore urge my colleagues to reject these cuts, and to protect the critical and successful Airport Improvement Program.

The FAA Reauthorization and Reform Act, as it stands, is nothing more than a job loss bill that will inflict serious turbulence on our nation's airline industry and transportation infrastructure. I understand the need to reduce the deficit, but we should not do so in such a way that threatens passenger safety, airport security, and airfield maintenance. If my colleagues across the aisle are serious about investing in our nation's infrastructure and creating jobs, then they should vote to rescind these harmful cuts and maintain funding for the FAA at FY 2010 levels.

Mr. Chair, I strongly urge my colleagues to vote against this bill unless the proper funding levels are restored.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 658. While we need a Federal Aviation Administration reauthorization bill, today's legislation takes us in the wrong direction.

Our nation's aviation infrastructure critically needs rehabilitation. On its 2009 Report Card on America's Infrastructure, the American Society of Civil Engineers gave aviation infrastructure a ''D.'' Investments in improvements—to renovate runways, taxiways, and terminals and to implement the Next Generation Air Transportation System (NextGen) to modernize air traffic control—would enhance passenger safety and reduce delays. They also create jobs—approximately 35,000 jobs per $1 billion of investment.

However, rather than making the improvements our aviation system requires, this bill cuts funding back to FY2008 levels—a $1 billion cut in the first year alone. And funding would stay level, despite increasing need, each year until FY2014. Cuts to the Airport Improvement Program alone would cost our nation 70,000 jobs over the next four years.

This bill's funding reductions have a very real impact for passengers. Cutbacks to FAA operations could result in furloughs for hundreds of safety inspectors and slow certification of new equipment. A reduced budget could also postpone needed investments in air traffic control towers, lighting systems, and navigational aids. And the delays to NextGen implementation will result in more delays, more gridlock, and more runway incursions that endanger passengers.

Additionally, this bill contains a poison pill—one that neither the President nor the Senate will accept. It repeals a National Mediation Board rule, finalized last year, which allows workers to organize based on a majority of votes cast—the same way members of Congress are elected. Under this legislation, if a worker does not cast a ballot in a union election, he or she would be counted as a ''no'' vote. This is unfair and undemocratic.

Mr. Chair, our aviation infrastructure has serious needs. We need a serious bill to address them. Let's end arbitrary and damaging cuts and poison pill provisions and consider a bill that puts Americans to work rebuilding our nation.

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

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 658

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization and Reform Act of 2011''.*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Amendments to title 49, United States Code.*
*Sec. 3. Effective date.*
*TITLE I—AUTHORIZATIONS*
*Subtitle A—Funding of FAA Programs*
*Sec. 101. Airport planning and development and noise compatibility planning and programs.*
*Sec. 102. Air navigation facilities and equipment.*
*Sec. 103. FAA operations.*
*Sec. 104. Funding for aviation programs.*
*Sec. 105. Delineation of Next Generation Air Transportation System projects.*
*Sec. 106. Funding for administrative expenses for airport programs.*

*Subtitle B—Passenger Facility Charges*

*Sec. 111. Passenger facility charges.*
*Sec. 112. Airport access flexibility program.*
*Sec. 113. GAO study of alternative means of collecting PFCs.*
*Sec. 114. Qualifications-based selection.*

*Subtitle C—Fees for FAA Services*

*Sec. 121. Update on overflights.*
*Sec. 122. Registration fees.*

*Subtitle D—Airport Improvement Program Modifications*

*Sec. 131. Airport master plans.*
*Sec. 132. Aerotropolis transportation systems.*
*Sec. 133. AIP definitions.*
*Sec. 134. Recycling plans for airports.*
*Sec. 135. Contents of competition plans.*
*Sec. 136. Grant assurances.*
*Sec. 137. Agreements granting through-the-fence access to general aviation airports.*
*Sec. 138. Government share of project costs.*
*Sec. 139. Allowable project costs.*
*Sec. 140. Veterans' preference.*
*Sec. 141. Standardizing certification of disadvantaged business enterprises.*
*Sec. 142. Special apportionment rules.*
*Sec. 143. Apportionments.*
*Sec. 144. Marshall Islands, Micronesia, and Palau.*
*Sec. 145. Designating current and former military airports.*
*Sec. 146. Contract tower program.*
*Sec. 147. Resolution of disputes concerning airport fees.*
*Sec. 148. Sale of private airports to public sponsors.*
*Sec. 149. Repeal of certain limitations on Metropolitan Washington Airports Authority.*
*Sec. 150. Midway Island Airport.*
*Sec. 151. Miscellaneous amendments.*
*Sec. 152. Extension of grant authority for compatible land use planning and projects by State and local governments.*
*Sec. 153. Priority review of construction projects in cold weather States.*
*Sec. 154. Study on national plan of integrated airport systems.*
*Sec. 155. Transfers of terminal area air navigation equipment to airport sponsors.*
*Sec. 156. Airport privatization program.*

*TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION*

*Sec. 201. Definitions.*
*Sec. 202. NextGen demonstrations and concepts.*
*Sec. 203. Clarification of authority to enter into reimbursable agreements.*
*Sec. 204. Chief NextGen Officer.*
*Sec. 205. Definition of air navigation facility.*
*Sec. 206. Clarification to acquisition reform authority.*
*Sec. 207. Assistance to foreign aviation authorities.*
*Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.*
*Sec. 209. Next Generation Air Transportation Senior Policy Committee.*
*Sec. 210. Improved management of property inventory.*
*Sec. 211. Automatic dependent surveillance-broadcast services.*
*Sec. 212. Expert review of enterprise architecture for NextGen.*
*Sec. 213. Acceleration of NextGen technologies.*
*Sec. 214. Performance metrics.*
*Sec. 215. Certification standards and resources.*
*Sec. 216. Surface systems acceleration.*
*Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.*
*Sec. 218. Siting of wind farms near FAA navigational aids and other assets.*
*Sec. 219. Airspace redesign.*

*TITLE III—SAFETY*

*Subtitle A—General Provisions*

*Sec. 301. Judicial review of denial of airman certificates.*
*Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.*
*Sec. 303. Design and production organization certificates.*
*Sec. 304. Aircraft certification process review and reform.*
*Sec. 305. Consistency of regulatory interpretation.*
*Sec. 306. Runway safety.*
*Sec. 307. Improved pilot licenses.*
*Sec. 308. Flight attendant fatigue.*
*Sec. 309. Flight Standards Evaluation Program.*
*Sec. 310. Cockpit smoke.*
*Sec. 311. Safety of air ambulance operations.*
*Sec. 312. Off-airport, low-altitude aircraft weather observation technology.*
*Sec. 313. Feasibility of requiring helicopter pilots to use night vision goggles.*
*Sec. 314. Prohibition on personal use of electronic devices on flight deck.*
*Sec. 315. Noncertificated maintenance providers.*
*Sec. 316. Inspection of foreign repair stations.*
*Sec. 317. Sunset of line check.*

*Subtitle B—Unmanned Aircraft Systems*

*Sec. 321. Definitions.*
*Sec. 322. Commercial unmanned aircraft systems integration plan.*
*Sec. 323. Special rules for certain unmanned aircraft systems.*
*Sec. 324. Public unmanned aircraft systems.*
*Sec. 325. Unmanned aircraft systems test ranges.*

*Subtitle C—Safety and Protections*

*Sec. 331. Postemployment restrictions for flight standards inspectors.*
*Sec. 332. Review of air transportation oversight system database.*
*Sec. 333. Improved voluntary disclosure reporting system.*
*Sec. 334. Aviation Whistleblower Investigation Office.*
*Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.*

*TITLE IV—AIR SERVICE IMPROVEMENTS*

*Subtitle A—Essential Air Service*

*Sec. 401. Essential air service marketing.*
*Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.*
*Sec. 403. Essential air service contract guidelines.*
*Sec. 404. Essential air service reform.*
*Sec. 405. Small community air service.*
*Sec. 406. Adjustments to compensation for significantly increased costs.*
*Sec. 407. Repeal of EAS local participation program.*
*Sec. 408. Sunset of essential air service program.*

*Subtitle B—Passenger Air Service Improvements*

*Sec. 421. Smoking prohibition.*
*Sec. 422. Monthly air carrier reports.*
*Sec. 423. Flight operations at Ronald Reagan Washington National Airport.*
*Sec. 424. Musical instruments.*
*Sec. 425. Passenger air service improvements.*
*Sec. 426. Airfares for members of the Armed Forces.*
*Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.*
*Sec. 428. Denied boarding compensation.*
*Sec. 429. Compensation for delayed baggage.*
*Sec. 430. Schedule reduction.*
*Sec. 431. DOT airline consumer complaint investigations.*
*Sec. 432. Study of operators regulated under part 135.*
*Sec. 433. Use of cell phones on passenger aircraft.*

*TITLE V—ENVIRONMENTAL STREAMLINING*

*Sec. 501. Overflights of national parks.*
*Sec. 502. State block grant program.*
*Sec. 503. NextGen environmental efficiency projects streamlining.*
*Sec. 504. Airport funding of special studies or reviews.*
*Sec. 505. Noise compatibility programs.*
*Sec. 506. Grant eligibility for assessment of flight procedures.*
*Sec. 507. Determination of fair market value of residential properties.*
*Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.*
*Sec. 509. Aircraft departure queue management pilot program.*
*Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.*
*Sec. 511. Sense of Congress.*
*Sec. 512. Aviation noise complaints.*

*TITLE VI—FAA EMPLOYEES AND ORGANIZATION*

*Sec. 601. Federal Aviation Administration personnel management system.*
*Sec. 602. Presidential rank award program.*
*Sec. 603. FAA technical training and staffing.*
*Sec. 604. Safety critical staffing.*
*Sec. 605. FAA air traffic controller staffing.*
*Sec. 606. Air traffic control specialist qualification training.*
*Sec. 607. Assessment of training programs for air traffic controllers.*
*Sec. 608. Collegiate training initiative study.*
*Sec. 609. FAA facility conditions.*
*Sec. 610. Frontline manager staffing.*

*TITLE VII—AVIATION INSURANCE*

*Sec. 701. General authority.*
*Sec. 702. Extension of authority to limit third-party liability of air carriers arising out of acts of terrorism.*
*Sec. 703. Clarification of reinsurance authority.*
*Sec. 704. Use of independent claims adjusters.*

*TITLE VIII—MISCELLANEOUS*

*Sec. 801. Disclosure of data to Federal agencies in interest of national security.*
*Sec. 802. FAA access to criminal history records and database systems.*
*Sec. 803. Civil penalties technical amendments.*
*Sec. 804. Realignment and consolidation of FAA services and facilities.*
*Sec. 805. Limiting access to flight decks of all-cargo aircraft.*
*Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.*
*Sec. 807. Prohibition on use of certain funds.*
*Sec. 808. Study on aviation fuel prices.*
*Sec. 809. Wind turbine lighting.*
*Sec. 810. Air-rail code sharing study.*
*Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.*
*Sec. 812. FAA review and reform.*
*Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.*

*TITLE IX—NATIONAL MEDIATION BOARD*

*Sec. 901. Authority of Inspector General.*
*Sec. 902. Evaluation and audit of National Mediation Board.*
*Sec. 903. Repeal of rule.*

*TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011*

*Sec. 1001. Short title.*
*Sec. 1002. Definitions.*
*Sec. 1003. Authorization of appropriations.*
*Sec. 1004. Unmanned aircraft systems.*
*Sec. 1005. Research program on runways.*
*Sec. 1006. Research on design for certification.*

Sec. 1007. Airport cooperative research program.
Sec. 1008. Centers of excellence.
Sec. 1009. Center of excellence for aviation human resource research.
Sec. 1010. Interagency research on aviation and the environment.
Sec. 1011. Aviation fuel research and development program.
Sec. 1012. Research program on alternative jet fuel technology for civil aircraft.
Sec. 1013. Review of FAA's energy- and environment-related research programs.
Sec. 1014. Review of FAA's aviation safety-related research programs.
TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING
Sec. 1101. Short title.
Sec. 1102. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 1103. Extension of taxes funding Airport and Airway Trust Fund.
TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
Sec. 1201. Compliance provision.

**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 3. EFFECTIVE DATE.**

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

## TITLE I—AUTHORIZATIONS

### Subtitle A—Funding of FAA Programs

**SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

**''§ 48103. Airport planning and development and noise compatibility planning and programs**

''(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

''(1) $3,176,000,000 for fiscal year 2011;
''(2) $3,000,000,000 for fiscal year 2012;
''(3) $3,000,000,000 for fiscal year 2013; and
''(4) $3,000,000,000 for fiscal year 2014.

''(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

''(c) LIMITATION.—Amounts made available under subsection (a) may not be used for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

**SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $2,700,000,000 for fiscal year 2011.
''(2) $2,600,000,000 for fiscal year 2012.
''(3) $2,600,000,000 for fiscal year 2013.
''(4) $2,600,000,000 for fiscal year 2014.''.

(b) SET-ASIDES.—Section 48101 is amended—

(1) by striking subsections (c), (d), (e), (h), and (i); and

(2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

**SEC. 103. FAA OPERATIONS.**

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (F) and inserting the following:

''(A) $9,403,000,000 for fiscal year 2011;
''(B) $9,168,000,000 for fiscal year 2012;
''(C) $9,168,000,000 for fiscal year 2013; and
''(D) $9,168,000,000 for fiscal year 2014.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A), (B), (C), and (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2011 through 2014''.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

''(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).''.

**SEC. 104. FUNDING FOR AVIATION PROGRAMS.**

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in fiscal year 2011, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in fiscal year 2012 and each fiscal year thereafter, be equal to the sum of—

''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).''.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2014''.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and

(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2014''.

**SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.**

Section 44501(b) is amended—

(1) in paragraph (3) by striking ''and'' after the semicolon;

(2) in paragraph (4)(B) by striking ''defense.'' and inserting ''defense; and''; and

(3) by adding at the end the following:

''(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).''.

**SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.**

(a) IN GENERAL.—Section 48105 is amended to read as follows:

**''§ 48105. Airport programs administrative expenses**

''(a) IN GENERAL.—Of the funds made available under section 48103, the following amounts may be available for administrative expenses of the Federal Aviation Administration described in subsection (b):

''(1) $85,987,000 for fiscal year 2011.
''(2) $80,676,000 for fiscal year 2012.
''(3) $80,676,000 for fiscal year 2013.
''(4) $80,676,000 for fiscal year 2014.

''(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—Amounts made available under subsection (a) may be used for administrative expenses relating to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities.

''(c) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses.''.

### Subtitle B—Passenger Facility Charges

**SEC. 111. PASSENGER FACILITY CHARGES.**

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking ''**fees**'' and inserting ''**charges**'';

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(A) Section 47106(f)(1).
(B) Section 47110(e)(5).
(C) Section 47114(f).
(D) Section 47134(g)(1).
(E) Section 47139(b).
(F) Section 47524(e).
(G) Section 47526(2).

(3) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges.''.

**SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.**

Section 40117 is amended by adding at the end the following:

''(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this subsection, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE COSTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project at an airport shall be the total cost of the project multiplied by the ratio that—

''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

''(ii) the total number of the individuals projected to use the facility.

''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time the project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

**SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.**

(a) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

(1) collection options for arriving, connecting, and departing passengers at airports;

(2) cost sharing or allocation methods based on passenger travel to address connecting traffic; and

(3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

**SEC. 114. QUALIFICATIONS-BASED SELECTION.**

(a) QUALIFICATIONS-BASED SELECTION DEFINED.—In this section, the term ''qualifications-based selection'' means a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

(b) SENSE OF CONGRESS.—It is the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

## Subtitle C—Fees for FAA Services

**SEC. 121. UPDATE ON OVERFLIGHTS.**

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

''(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

''(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

''(A) The establishment or adjustment of a fee by the Administrator under this section.

''(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

''(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

''(4) ADJUSTMENT OF OVERFLIGHT FEES.—In accordance with section 106(f)(3)(A), the Administrator shall adjust the overflight fees established by subsection (a)(1) by issuing a final rule with respect to the notice of proposed rulemaking published in the Federal Register on September 28, 2010 (75 Fed. Reg. 59661).

''(5) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(6) COSTS DEFINED.—In this subsection, the term 'costs' includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

''(7) SPECIAL RULE FOR FISCAL YEARS 2011 THROUGH 2015.—In each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4).''.

(b) ADJUSTMENT OF FEES.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

**SEC. 122. REGISTRATION FEES.**

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

**''§ 45305. Registration, certification, and related fees**

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

''(1) Registering an aircraft.

''(2) Reregistering, replacing, or renewing an aircraft registration certificate.

''(3) Issuing an original dealer's aircraft registration certificate.

''(4) Issuing an additional dealer's aircraft registration certificate (other than the original).

''(5) Issuing a special registration number.

''(6) Issuing a renewal of a special registration number reservation.

''(7) Recording a security interest in an aircraft or aircraft part.

''(8) Issuing an airman certificate.

''(9) Issuing a replacement airman certificate.

''(10) Issuing an airman medical certificate.

''(11) Providing a legal opinion pertaining to aircraft registration or recordation.

''(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

## Subtitle D—Airport Improvement Program Modifications

**SEC. 131. AIRPORT MASTER PLANS.**

Section 47101(g)(2) is amended—

(1) in subparagraph (B) by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) consider passenger convenience, airport ground access, and access to airport facilities; and''.

**SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.**

Section 47101(g) is amended by adding at the end the following:

''(4) AEROTROPOLIS TRANSPORTATION SYSTEMS.—Encourage the development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that, as determined by the Secretary, provide efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.''.

**SEC. 133. AIP DEFINITIONS.**

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9'';

(2) in subparagraph (G) by inserting ''and including acquiring glycol recovery vehicles,'' after ''aircraft,''; and

(3) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended to read as follows:

''(5) 'airport planning' means planning as defined by regulations the Secretary prescribes and includes—

''(A) integrated airport system planning;

''(B) developing an environmental management system; and

''(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less than 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 (as amended by subsection (c) of this section) is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

**SEC. 134. RECYCLING PLANS FOR AIRPORTS.**

Section 47106(a) is amended—

(1) in paragraph (4) by striking ''and'' at the end;

(2) in paragraph (5) by striking ''proposed.'' and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses issues relating to solid waste recycling at the airport, including—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts; and

''(E) the potential for cost savings or the generation of revenue.''.

**SEC. 135. CONTENTS OF COMPETITION PLANS.**

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '', and airfare levels'' and all that follows before the period.

**SEC. 136. GRANT ASSURANCES.**

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986''.

(d) EXTENSION OF COMPETITIVE ACCESS REPORTS.—Section 47107(s) is amended by striking paragraph (3).

**SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.**

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

''(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

''(A) Aircraft of the person.

''(B) Aircraft authorized by the person.

''(2) THROUGH-THE-FENCE AGREEMENTS.—

''(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor's relationship with the property owner.

''(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

''(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators on-airport making similar use of the airport;

''(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

''(iii) to maintain the property for residential, noncommercial use for the duration of the agreement; and

''(iv) to prohibit access to the airport from other properties through the property of the property owner.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

**SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.**

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

''(1) is receiving subsidized air service under subchapter II of chapter 417; and

''(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.''.

**SEC. 139. ALLOWABLE PROJECT COSTS.**

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

''(iv) the sponsor has an alternative funding source available to fund the project; and

''(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) INCLUSION OF MEASURES TO IMPROVE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.—Section 47110(b) is amended—

(1) in paragraph (5) by striking ''; and'' and inserting a semicolon;

*(2) in paragraph (6) by striking the period at the end and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—*

*''(A) the measure is for a project for airport development;*

*''(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and*

*''(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.''.*

*(c) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:*

*''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—*

*''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);*

*''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and*

*''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.*

*(d) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—*

*(1) by inserting ''construction'' before ''costs of revenue producing''; and*

*(2) by striking '', including fuel farms and hangars,''.*

***SEC. 140. VETERANS' PREFERENCE.***

*Section 47112(c) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and*

*(B) by adding at the end the following:*

*''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined in section 101 of title 38) in the Armed Forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.*

*''(D) 'Persian Gulf veteran' means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.''; and*

*(2) in paragraph (2) by striking ''Vietnam-era veterans and disabled veterans'' and inserting ''Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans''.*

***SEC. 141. STANDARDIZING CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.***

*Section 47113 is amended by adding at the end the following:*

*''(e) MANDATORY TRAINING PROGRAM.—*

*''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).*

*''(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.*

*''(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—*

*''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or*

*''(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).''.*

***SEC. 142. SPECIAL APPORTIONMENT RULES.***

*(a) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Section 47114(d) is amended by adding at the end the following:*

*''(7) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—*

*''(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and*

*''(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.''.*

*(b) SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.—Section 47114(c)(1) is amended—*

*(1) by striking subparagraphs (F) and (G); and*

*(2) by inserting after subparagraph (E) the following:*

*''(F) SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2011 and 2012 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.*

***SEC. 143. APPORTIONMENTS.***

*Chapter 471 is amended by striking ''$3,200,000,000'' and inserting ''$3,000,000,000'' in each of the following sections:*

*(1) 47114(c)(1)(C).*

*(2) 47114(c)(2)(C).*

*(3) 47114(d)(3).*

*(4) 47114(e)(4).*

*(5) 47117(e)(1)(C).*

***SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.***

*Section 47115(j) is amended by striking ''fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,'' and inserting ''fiscal years 2010 through 2014,''.*

***SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.***

*(a) CONSIDERATIONS.—Section 47118(c) is amended—*

*(1) in paragraph (1) by striking ''or'' after the semicolon;*

*(2) in paragraph (2) by striking ''delays.'' and inserting ''delays; or''; and*

*(3) by adding at the end the following:*

*''(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—*

*''(A) within United States jurisdiction or control; and*

*''(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.''.*

*(b) DESIGNATION OF GENERAL AVIATION AIRPORTS.—Section 47118(g) is amended—*

*(1) in the subsection heading by striking ''AIRPORT'' and inserting ''AIRPORTS''; and*

*(2) by striking ''one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation'' and inserting ''3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations''.*

*(c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is amended by adding at the end the following:*

*''(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—*

*''(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and*

*''(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.''.*

***SEC. 146. CONTRACT TOWER PROGRAM.***

*(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—*

*(1) by striking paragraph (1) and inserting the following:*

*''(1) CONTRACT TOWER PROGRAM.—*

*''(A) CONTINUATION AND EXTENSION.—The Secretary shall continue the low activity (Visual Flight Rules) Level I air traffic control tower contract program established under subsection (a) for towers existing on December 30, 1987, and shall extend the program to other low activity air traffic control towers for which a qualified entity (as determined by the Secretary), a State, or a subdivision of the State meeting the requirements set forth by the Secretary has requested to participate in the program.*

*''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.*

*''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and*

*(2) by striking ''(2) The Secretary'' and inserting the following:*

*''(2) GENERAL AUTHORITY.—The Secretary''.*

*(b) COSTS EXCEEDING BENEFITS.—Section 47124(b)(3)(D) is amended—*

*(1) by striking ''If the costs'' and inserting the following:*

*''(i) COST SHARING.—If the costs''; and*

*(2) by adding at the end the following:*

*''(ii) MAXIMUM LOCAL COST SHARE.—The maximum allowable local cost share allocated under clause (i) for an airport certified under part 139 of title 14, Code of Federal Regulations, with fewer than 50,000 annual passenger enplanements shall be capped at 20 percent of the cost of operating an air traffic tower under the program.*

''(iii) SUNSET.—Clause (ii) shall not be in effect after September 30, 2014.''.

(c) FUNDING; USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended by striking subparagraph (E) and inserting the following:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than $8,500,000 for each of fiscal years 2011 through 2014 may be used to carry out this paragraph.

''(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(d) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(e) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.''.

**SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES.**

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

**''§ 47129. Resolution of disputes concerning airport fees'';**

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102)''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of disputes concerning airport fees.''.

**SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.**

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

**SEC. 149. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.**

Section 49108, and the item relating to section 49108 in the analysis for chapter 491, are repealed.

**SEC. 150. MIDWAY ISLAND AIRPORT.**

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''October 1, 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,'' and inserting ''October 1, 2014,''.

**SEC. 151. MISCELLANEOUS AMENDMENTS.**

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

''(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking ''Secretary of Transportation'' and inserting ''Secretary'';

(4) in subsections (b)(3) and (b)(4)(A) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(5) in subsection (b)(5) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(6) in subsections (c)(2)(A), (c)(3), and (c)(4) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(7) in subsection (c)(2)(B) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(8) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(9) by adding at the end the following:

''(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(d) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(e) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(f) OTHER CONFORMING AMENDMENTS.—

(1) Section 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(g) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(h) DEFINITIONS.—

(1) CONGESTED AIRPORT.—Section 47175(2) is amended by striking ''2001'' and inserting ''2004 or any successor report''.

(2) JOINT USE AIRPORT.—Section 47175 is amended by adding at the end the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

**SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.**

Section 47141(f) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

**SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.**

The Administrator of the Federal Aviation Administration, to the extent practicable, shall

*schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.*

***SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.***

*(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.*

*(b) CONTENTS OF STUDY.—The study shall include a review of the following:*

*(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.*

*(2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.*

*(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.*

*(4) The effect of transfers of airport apportionments under title 49, United States Code.*

*(5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.*

*(6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold, including whether such airports subsidize commercial flights to reach such threshold, at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.*

*(7) Any other matters pertaining to the plan that the Secretary determines appropriate.*

*(c) REPORT TO CONGRESS.—*

*(1) SUBMISSION.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.*

*(2) CONTENTS.—The report shall include—*

*(A) the findings of the Secretary on each of the issues described in subsection (b);*

*(B) recommendations for any changes to policies and procedures for formulating the plan; and*

*(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.*

***SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS.***

*(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:*

***''§ 44518. Transfers of terminal area air navigation equipment to airport sponsors***

*''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for terminal area air navigation equipment at an airport to the airport sponsor.*

*''(b) PARTICIPATION.—The Administrator may select the sponsors of not more than 3 nonhub airports, 3 small hub airports, 3 medium hub airports, and 1 large hub airport to participate in the pilot program.*

*''(c) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in the pilot program, the airport sponsor shall provide assurances satisfactory to the Administrator that the sponsor will—*

*''(1) operate and maintain the terminal area air navigation equipment transferred to the sponsor under this section in accordance with standards to be established by the Administrator;*

*''(2) permit the Administrator (or a person designated by the Administrator) to conduct inspections of such terminal area air navigation equipment under a schedule established by the Administrator; and*

*''(3) acquire and maintain new terminal area air navigation equipment at the airport as needed to replace equipment at the end of its useful life or to meet new standards established by the Administrator.*

*''(d) TERMS AND CONDITIONS OF TRANSFER FOR ADMINISTRATOR.—When the Administrator approves an airport sponsor's participation in the pilot program, the Administrator shall transfer, at no cost to the sponsor, all rights, title, and interests of the United States in and to the terminal area air navigation equipment to be transferred to the sponsor under the program, including the real property on which the equipment is located.*

*''(e) TREATMENT OF AIRPORT COSTS.—Any costs incurred by an airport sponsor for ownership and maintenance of terminal area air navigation equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary of Transportation under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airport's airfield.*

*''(f) DEFINITIONS.—In this section, the following definitions apply:*

*''(1) SPONSOR.—The term 'sponsor' has the meaning given that term in section 47102.*

*''(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term 'terminal area air navigation equipment' means an air navigation facility as defined in section 40102 that exists to provide approach and landing guidance to aircraft, but does not include buildings used for air traffic control functions.*

*''(g) GUIDELINES.—The Administrator shall issue guidelines on the implementation of the program.''.*

*(b) CLERICAL AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:*

*''44518. Transfers of terminal area air navigation equipment to airport sponsors.''.*

***SEC. 156. AIRPORT PRIVATIZATION PROGRAM.***

*(a) APPROVAL OF APPLICATIONS.—Section 47134(b) is amended—*

*(1) in the matter preceding paragraph (1) by striking ''5 airports'' and inserting ''10 airports''; and*

*(2) paragraph (1)—*

*(A) by striking subparagraph (A) and inserting the following:*

*''(A) IN GENERAL.—The Secretary may grant an exemption to an airport sponsor from the requirements of sections 47107(b) and 47133 (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved by the Secretary after the sponsor has consulted—*

*''(i) in the case of a primary airport, with each air carrier and foreign air carrier serving the airport, as determined by the Secretary; and*

*''(ii) in the case of a nonprimary airport, with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.''; and*

*(B) by striking subparagraph (C).*

*(b) TERMS AND CONDITIONS.—Section 47134(c) is amended—*

*(1) by striking paragraphs (4), (5), and (9);*

*(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and*

*(3) by adding at the end the following:*

*''(7) A fee imposed by the airport on an air carrier or foreign air carrier may not include any portion for a return on investment or recovery of principal with respect to consideration paid to a public agency for the lease or sale of the airport unless that portion of the fee is approved by the air carrier or foreign air carrier.''.*

*(c) PARTICIPATION OF CERTAIN AIRPORTS.—Section 47134 is amended—*

*(1) by striking subsection (d); and*

*(2) by redesignating subsections (e) through (m) as subsections (d) through (l), respectively.*

*(d) APPLICABILITY.—The amendments made by this section shall apply with respect to an exemption issued to an airport under section 47134 of title 49, United States Code, before, on, or after the date of enactment of this Act.*

***TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION***

***SEC. 201. DEFINITIONS.***

*In this title, the following definitions apply:*

*(1) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.*

*(2) ADS–B.—The term ''ADS–B'' means automatic dependent surveillance-broadcast.*

*(3) ADS–B OUT.—The term ''ADS–B Out'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.*

*(4) ADS–B IN.—The term ''ADS–B In'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.*

*(5) RNAV.—The term ''RNAV'' means area navigation.*

*(6) RNP.—The term ''RNP'' means required navigation performance.*

***SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.***

*In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:*

*(1) NextGen demonstrations and infrastructure.*

*(2) NextGen trajectory-based operations.*

*(3) NextGen reduced weather impact.*

*(4) NextGen high-density arrivals/departures.*

*(5) NextGen collaborative air traffic management.*

*(6) NextGen flexible terminals and airports.*

*(7) NextGen safety, security, and environmental reviews.*

*(8) NextGen networked facilities.*

*(9) The Center for Advanced Aviation System Development.*

*(10) NextGen system development.*

*(11) Data communications system implementation.*

*(12) ADS–B infrastructure deployment and operational implementation.*

*(13) Systemwide information management.*

*(14) NextGen facility consolidation and realignment.*

*(15) En route automation modernization.*

*(16) National airspace system voice switch.*

*(17) NextGen network enabled weather.*

***SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.***

*Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.*

***SEC. 204. CHIEF NEXTGEN OFFICER.***

*Section 106 is amended by adding at the end the following:*

*''(s) CHIEF NEXTGEN OFFICER.—*

*''(1) IN GENERAL.—*

*''(A) APPOINTMENT.—There shall be a Chief NextGen Officer appointed by the Administrator. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.*

*''(B) QUALIFICATIONS.—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.*

*''(C) TERM.—The Chief NextGen Officer shall be appointed for a term of 5 years.*

*''(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.*

*''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief NextGen Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.*

*''(2) COMPENSATION.—*

*''(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.*

*''(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief NextGen Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).*

*''(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.*

*''(4) ANNUAL PERFORMANCE REPORT.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.*

*''(5) RESPONSIBILITIES.—The responsibilities of the Chief NextGen Officer include the following:*

*''(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.*

*''(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.*

*''(C) Reviewing and providing advice on the Administration's modernization programs, budget, and cost accounting system with respect to NextGen.*

*''(D) With respect to the budget of the Administration—*

*''(i) developing a budget request of the Administration related to the implementation of NextGen;*

*''(ii) submitting such budget request to the Administrator; and*

*''(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.*

*''(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.*

*''(F) Developing an annual NextGen implementation plan.*

*''(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.*

*''(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.*

*''(6) EXCEPTION.—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.*

*''(7) NEXTGEN DEFINED.—For purposes of this subsection, the term 'NextGen' means the Next Generation Air Transportation System.''.*

***SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.***

*Section 40102(a)(4) is amended—*

*(1) by redesignating subparagraph (D) as subparagraph (E);*

*(2) by striking subparagraphs (B) and (C) and inserting the following:*

*''(B) runway lighting and airport surface visual and other navigation aids;*

*''(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;*

*''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';*

*(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—*

*(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and*

*(B) by striking the period at the end and inserting ''; and''; and*

*(4) by adding at the end the following:*

*''(F) buildings, equipment, and systems dedicated to the national airspace system.''.*

***SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.***

*Section 40110(c) is amended—*

*(1) by inserting ''and'' after the semicolon in paragraph (3);*

*(2) by striking paragraph (4); and*

*(3) by redesignating paragraph (5) as paragraph (4).*

***SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.***

*Section 40113(e) is amended—*

*(1) in paragraph (1)—*

*(A) by inserting ''(whether public or private)'' after ''authorities''; and*

*(B) by striking ''safety.'' and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).'';*

*(2) in paragraph (2) by adding at the end the following: ''The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.''; and*

*(3) by striking paragraph (3) and inserting the following:*

*''(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—*

*''(A) be credited to the appropriation current when the amount is received;*

*''(B) be merged with and available for the purposes of such appropriation; and*

*''(C) remain available until expended.''.*

***SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.***

*(a) REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.—*

*(1) ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—*

*(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and*

*(B) by inserting after paragraph (1) the following:*

*''(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.''.*

*(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—*

*(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;*

*(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following:*

*''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals;*

*''(J) working to ensure global interoperability of the Next Generation Air Transportation System;*

*''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;*

*''(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and*

*''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.''.*

*(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—*

*(A) by striking ''(4)'' and inserting ''(4)(A)''; and*

*(B) by adding at the end the following:*

*''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—*

*''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);*

*''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and*

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) ensure that the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);

''(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation;

''(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(D) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

''(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

''(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator of the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) at the end of paragraph (3) by striking ''and'';

(3) at the end of paragraph (4) by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the NextGen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

**SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.**

(a) MEETINGS.—Section 710(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

''(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

**SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.**

Section 40110(a) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) may construct and improve laboratories and other test facilities; and

''(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

''(A) be credited to the appropriation current when the amount is received;

''(B) be merged with and available for the purposes of such appropriation; and

''(C) remain available until expended.''.

**SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.**

(a) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contracts entered into by the Administration to provide ADS–B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how the Administration manages program risks;

(B) an assessment of expected benefits attributable to the deployment of ADS–B services, including the Administration's plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;

(C) an assessment of the Administration's analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS–B In and ADS–B Out avionics equipage for airspace users;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS–B services;

(E) an assessment of how security issues are being addressed in the overall design and implementation of the ADS–B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at

*least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.*

*(b) RULEMAKINGS.—*

*(1) ADS–B IN.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS–B In technology that—*

*(A) identify the ADS–B In technology that will be required under NextGen;*

*(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS–B In technology by 2020; and*

*(C) identify—*

*(i) the type of avionics required of aircraft for all classes of airspace;*

*(ii) the expected costs associated with the avionics; and*

*(iii) the expected uses and benefits of the avionics.*

*(2) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B In technology pursuant to rulemakings conducted under paragraph (1), the Chief NextGen Officer shall verify that—*

*(A) the necessary ground infrastructure is installed and functioning properly;*

*(B) certification standards have been approved; and*

*(C) appropriate operational platforms interface safely and efficiently.*

*(c) USE OF ADS–B TECHNOLOGY.—*

*(1) PLANS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS–B technology for surveillance and active air traffic control.*

*(2) CONTENTS.—The plan shall—*

*(A) include provisions to test the use of ADS–B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;*

*(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;*

*(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and*

*(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS–B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.*

***SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.***

*(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.*

*(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—*

*(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;*

*(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and*

*(3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.*

*(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).*

***SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.***

*(a) AIRPORT PROCEDURES.—*

*(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, flight path service providers, and aircraft manufacturers that includes the following:*

*(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 operational evolution partnership airports identified by the Administration.*

*(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.*

*(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—*

*(i) clearly defined budget, schedule, project organization, and leadership requirements;*

*(ii) specific implementation and transition steps; and*

*(iii) baseline and performance metrics for—*

*(I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and*

*(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance; and*

*(iv) expedited environmental review procedures for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii).*

*(D) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.*

*(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—*

*(A) 30 percent of the required procedures not later than 18 months after the date of enactment of this Act;*

*(B) 60 percent of the procedures not later than 36 months after the date of enactment of this Act; and*

*(C) 100 percent of the procedures before June 30, 2015.*

*(b) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and efficiency benefits to other airports in the national airspace system, including small and medium hub airports.*

*(c) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.*

*(d) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—*

*(1) clearly defined budget, schedule, project organization, and leadership requirements;*

*(2) specific implementation and transition steps; and*

*(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.*

*(e) IMPROVED PERFORMANCE STANDARDS.—*

*(1) ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—*

*(A) whether utilization of ADS–B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and*

*(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.*

*(2) AIRCRAFT SEPARATION STANDARDS.—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.*

*(f) THIRD-PARTY USAGE.—The Administration shall establish a program under which the Administration will use third parties in the development, testing, and maintenance of flight procedures.*

***SEC. 214. PERFORMANCE METRICS.***

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—*

*(1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;*

*(2) average gate-to-gate times;*

*(3) fuel burned between key city pairs;*

*(4) operations using the advanced navigation procedures, including performance based navigation procedures;*

*(5) the average distance flown between key city pairs;*

*(6) the time between pushing back from the gate and taking off;*

*(7) continuous climb or descent;*

*(8) average gate arrival delay for all arrivals;*

*(9) flown versus filed flight times for key city pairs;*

*(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;*

*(11) the Administration's unit cost of providing air traffic control services; and*

*(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.*

*(b) BASELINES.—The Administrator, in consultation with aviation industry stakeholders,*

*shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.*

*(c) PUBLICATION.—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.*

*(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—*

*(1) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen capabilities and operational results;*

*(2) information on any additional metrics developed; and*

*(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).*

***SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.***

*Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—*

*(1) establishment of updated project plans and timelines;*

*(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;*

*(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;*

*(4) establishment of a program under which the Administration will use third parties in the certification process; and*

*(5) establishment of performance metrics to measure the Administration's progress.*

***SEC. 216. SURFACE SYSTEMS ACCELERATION.***

*(a) IN GENERAL.—The Chief Operating Officer of the Air Traffic Organization shall—*

*(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;*

*(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;*

*(3) accelerate implementation of the program referred to in paragraph (1); and*

*(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.*

*(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—*

*(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and*

*(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by September 30, 2012.*

***SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.***

*(a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.*

*(b) ADHERENCE TO DEADLINES.—Participants in these processes shall adhere to all deadlines and milestones established pursuant to this title.*

*(c) NO CHANGE IN EMPLOYEE STATUS.—Participation in these processes by an employee shall not—*

*(1) serve as a waiver of any bargaining obligations or rights;*

*(2) entitle the employee to any additional compensation or benefits; or*

*(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.*

*(d) WORKING GROUPS.—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.*

*(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall report to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate concerning the disputes between participating employees and Administration management that have led to delays to the implementation of NextGen, including information on the source of the dispute, the resulting length of delay, and associated cost increases.*

***SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL AIDS AND OTHER ASSETS.***

*(a) SURVEY AND ASSESSMENT.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical Federal Aviation Administration facilities, the Administrator of the Federal Aviation Administration shall complete a survey and assessment of leases for critical Administration facility sites, including—*

*(A) an inventory of the leases that describes, for each such lease—*

*(i) the periodic cost, location, site, terms, number of years remaining, and lessor;*

*(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and*

*(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and*

*(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.*

*(2) MEMORANDUM OF UNDERSTANDING.—The Administrator and the Secretary of Energy shall enter into a memorandum of understanding regarding the use and distribution of the list referred to in paragraph (1)(B), including considerations of privacy and proprietary information, database development, or other relevant applications.*

*(3) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.*

*(b) GAO ASSESSMENT.—Not later than 180 days after receiving the Administrator's report under subsection (a)(3), the Comptroller General, in consultation with the Administrator and other interested parties, shall report on—*

*(1) the current and potential impact of wind farms on the national airspace system;*

*(2) the extent to which the Department of Defense and the Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the NextGen air traffic control system; and*

*(3) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.*

*(c) ISSUANCE OF GUIDELINES.—Not later than 180 days after the Administrator receives the Comptroller's recommendations, the Administrator shall consult with State, Federal, and industry stakeholders and publish guidelines for the construction and operation of wind farms that are to be located in proximity to critical Administration facilities. The guidelines may include—*

*(1) the establishment of a zone system for wind farms based on proximity to critical Administration assets;*

*(2) the establishment of turbine height and density limitations on such wind farms; and*

*(3) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.*

*(d) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to—*

*(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services of the Senate; and*

*(2) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Science and Technology of the House of Representatives.*

***SEC. 219. AIRSPACE REDESIGN.***

*(a) FINDINGS.—Congress finds the following:*

*(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.*

*(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.*

*(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.*

*(4) Several new runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.*

*(b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.—*

*(1) MONITORING.—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.*

*(2) REPORT.—Not later than one year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).*

## *TITLE III—SAFETY*

### *Subtitle A—General Provisions*

***SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.***

*(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:*

*''(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a*

party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

**SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.**

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

''(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.''.

**SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.**

(a) IN GENERAL.—Section 44704(e) is amended to read as follows:

''(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a 'CDPO').

''(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

''(3) ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

''(4) PUBLIC SAFETY.—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

''(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.''.

(b) APPLICABILITY.—Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—Chapter 447 is amended—

(1) in the heading for section 44704 by striking ''**and design organization certificates**'' and inserting ''**, and design and production organization certificates**''; and

(2) in the analysis for such chapter by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.''.

**SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM.**

(a) GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

(b) CONTENTS.—In conducting the assessment, the Administrator shall consider—

(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act;

(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

(3) the status of recommendations made in previous reports on the Administration's certification process;

(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

(5) methods for training the Administration's field office employees in the safety management system and auditing; and

(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled ''Part 23—Small Airplane Certification Process Study'' (OK–09–3468, dated July 2009).

(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

**SEC. 305. CONSISTENCY OF REGULATORY INTERPRETATION.**

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO–11–14); and

(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

**SEC. 306. RUNWAY SAFETY.**

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near and long term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

(iii) time frames and resources needed for the actions described in clause (ii);

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(v) a review of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings; and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PROCESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

(2) conducting periodic random audits of the oversight process; and

(3) ensuring proper accountability.

(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2011, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems the Administrator is installing to alert controllers or flight

*crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.*

***SEC. 307. IMPROVED PILOT LICENSES.***

*(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.*

*(b) REQUIREMENTS.—Improved pilot licenses issued under subsection (a) shall—*

*(1) be resistant to tampering, alteration, and counterfeiting;*

*(2) include a photograph of the individual to whom the license is issued; and*

*(3) be capable of accommodating a digital photograph, a biometric identifier, and any other unique identifier that the Administrator considers necessary.*

*(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered with, altered, or counterfeited.*

*(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.*

*(e) REPORT.—*

*(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.*

*(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator begins issuing improved pilot licenses under this section or December 31, 2015, whichever occurs first.*

***SEC. 308. FLIGHT ATTENDANT FATIGUE.***

*(a) STUDY.—The Administrator of the Federal Aviation Administration, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.*

*(b) CONTENTS.—The study shall include the following:*

*(1) A survey of field operations of flight attendants.*

*(2) A study of incident reports regarding flight attendant fatigue.*

*(3) A review of international policies and practices regarding flight limitations and rest of flight attendants.*

*(4) An analysis of potential benefits of training flight attendants regarding fatigue.*

*(c) REPORT.—Not later than September 30, 2012, the Administrator shall submit to Congress a report on the results of the study.*

***SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.***

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—*

*(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and*

*(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.*

*(b) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.*

*(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term ''Flight Standards Evaluation Program'' means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.*

***SEC. 310. COCKPIT SMOKE.***

*(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate the effects of dense, continuous smoke in the cockpit of a commercial aircraft.*

*(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.*

***SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.***

*(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:*

***''§ 44730. Helicopter air ambulance operations***

*''(a) COMPLIANCE REGULATIONS.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this section, part 135 certificate holders providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.*

*''(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.*

*''(b) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.*

*''(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:*

*''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.*

*''(2) Pilot training standards, including—*

*''(A) mandatory training requirements, including a minimum time for completing the training requirements;*

*''(B) training subject areas, such as communications procedures and appropriate technology use; and*

*''(C) establishment of training standards in—*

*''(i) crew resource management;*

*''(ii) flight risk evaluation;*

*''(iii) preventing controlled flight into terrain;*

*''(iv) recovery from inadvertent flight into instrument meteorological conditions;*

*''(v) operational control of the pilot in command; and*

*''(vi) use of flight simulation training devices and line-oriented flight training.*

*''(3) Safety-enhancing technology and equipment, including—*

*''(A) helicopter terrain awareness and warning systems;*

*''(B) radar altimeters;*

*''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and*

*''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.*

*''(4) Such other matters as the Administrator considers appropriate.*

*''(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:*

*''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—*

*''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;*

*''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and*

*''(C) requires the pilots of the certificate holder to use the checklist.*

*''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.*

*''(e) RULEMAKING.—The Administrator shall—*

*''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (b); and*

*''(2) not later than 16 months after the last day of the comment period on the proposed rule, issue a final rule.*

*''(f) DEFINITIONS.—In this section, the following definitions apply:*

*''(1) PART 135.—The term 'part 135' means part 135 of title 14, Code of Federal Regulations.*

*''(2) PART 135 CERTIFICATE HOLDER.—The term 'part 135 certificate holder' means a person holding a certificate issued under part 135.*

***''§ 44731. Collection of data on helicopter air ambulance operations***

*''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:*

*''(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.*

*''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.*

*''(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).*

*''(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.*

*''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.*

*''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.*

*''(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.*

*''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.*

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: ''and the development and maintenance of helicopter approach procedures''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''444730. Helicopter air ambulance operations.
''444731. Collection of data on helicopter air ambulance operations.''.

**SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

**SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**''§ 44732. Prohibition on personal use of electronic devices on flight deck**

''(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44732 or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44732. Prohibition on personal use of electronic devices on flight deck.''.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44733 of title 49, United States Code, and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

**SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.**

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations; or

(3) subject to subsection (c), a person that—

(A) provides contract maintenance workers, services, or maintenance functions to a part 145 repair station or part 121 air carrier; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station.

(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The part 121 air carrier or the part 145 repair station shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

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

(1) COVERED WORK.—The term ''covered work'' means a required inspection item, as defined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

**SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**''§ 44733. Inspection of foreign repair stations**

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for each part 145 repair station based on the type, scope, and complexity of work being performed by the repair station, which shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections that are based on identified risks and consistent with United States requirements;

''(2) accept consideration of inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements with the United States to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on or before the 30th day after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator shall publish a report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a), which shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed for the oversight and implementation;

''(3) describe the training provided to inspectors with respect to the oversight and implementation;

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

''(5) specify the number of sample inspections performed by Federal Aviation Administration inspectors at each repair station that is covered by a maintenance safety or maintenance implementation agreement with the United States.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation shall request, jointly, the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than one year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program that is determined acceptable by the Administrator and is consistent with the applicable laws of the country in which the repair station is located.

''(e) INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected as frequently as determined warranted by the safety assessment system required by subsection (a), regardless of where the station is located, and in a manner consistent with United States obligations under international agreements.

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

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44733. Inspection of foreign repair stations.''.

**SEC. 317. SUNSET OF LINE CHECK.**

Section 44729(h) is amended by adding at the end the following:

''(4) SUNSET OF LINE CHECK.—Paragraph (2) shall cease to be effective following the one-year period beginning on the date of enactment of the FAA Reauthorization and Reform Act of 2011 unless the Secretary certifies that the requirements of paragraph (2) are necessary to ensure safety.''.

***Subtitle B—Unmanned Aircraft Systems***

**SEC. 321. DEFINITIONS.**

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The term ''certificate of waiver'' or ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) SENSE AND AVOID CAPABILITY.—The term ''sense and avoid capability'' means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SMALL UNMANNED AIRCRAFT.—The term ''small unmanned aircraft'' means an unmanned aircraft weighing less than 55 pounds.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

**SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.**

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b)—

(i) to define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) to ensure that commercial unmanned aircraft systems include a sense and avoid capability, if necessary for safety purposes; and

(iii) to develop standards and requirements for the operator and pilot of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to provide for the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach for the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system not later than September 30, 2015.

(4) REPORT TO CONGRESS.—The Secretary shall submit to Congress—

(A) not later than one year after the date of enactment of this Act, a copy of the plan developed under paragraph (1); and

(B) annually thereafter, a report on the activities of the Secretary under this section.

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

**SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system. The Secretary may make such determination before completion of the plan and rulemaking required by section 322 of this Act or the guidance required by section 324 of this Act.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

**SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures. the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification standards for operation of public unmanned aircraft systems.

**SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at 4 test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(4) address both commercial and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) TEST RANGE LOCATIONS.—In determining the location of the 4 test ranges of the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity; and

(2) after consulting with the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force, take into consideration the location of available research radars.

### Subtitle C—Safety and Protections

#### SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

#### SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) BIANNUAL REPORTS TO CONGRESS.—The Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

#### SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

#### SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 (as amended by this Act) is further amended by adding at the end the following:

''(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

#### SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting

operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

## TITLE IV—AIR SERVICE IMPROVEMENTS

### Subtitle A—Essential Air Service

**SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

Section 41733(c)(1) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking ''and'' at the end of subparagraph (D); and

(3) by inserting after subparagraph (D) the following:

''(E) whether the air carrier has included a plan in its proposal to market its services to the community; and''.

**SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.**

Section 41733 is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69 (113 Stat. 1022).''.

**SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by this section.

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

**SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

(a) AUTHORIZATION.—Section 41742(a)(1) is amended—

(1) by striking ''the sum of $50,000,000 is'' and inserting ''the following sums are''; and

(2) by striking ''subchapter for each fiscal year.'' and inserting ''subchapter:

''(A) $50,000,000 for each fiscal year through fiscal year 2013.

''(B) The amount necessary, as determined by the Secretary, to carry out the essential air service program in Alaska and Hawaii for fiscal year 2014 and each fiscal year thereafter.''.

(b) ADDITIONAL FUNDS.—Section 41742(a)(2) is amended by striking ''there is authorized to be appropriated $77,000,000 for each fiscal year'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 $97,500,000 for fiscal year 2011, $60,000,000 for fiscal year 2012, and $30,000,000 for fiscal year 2013''.

(c) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Section 41742(b) is amended to read as follows:

''(b) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, the Secretary is authorized to take such actions as may be necessary to administer the essential air service program under this subchapter within the amount of funding made available for the program.''.

**SEC. 405. SMALL COMMUNITY AIR SERVICE.**

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.''.

(b) AUTHORITY TO MAKE AGREEMENTS.—Section 41743(e) is amended to read as follows:

''(e) AUTHORITY TO MAKE AGREEMENTS.—Subject to the availability of amounts made available under section 41742(a)(4)(A), the Secretary may make agreements to provide assistance under this section.''.

**SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.**

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient'' and inserting ''provide the carrier with compensation sufficient''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

(c) SUBSIDY CAP.—Subject to the availability of funds, the Secretary may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of Public Law 106–69 (113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

**SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.**

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

**SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

***''§ 41749. Sunset***

''(a) IN GENERAL.—Except as provided in subsection (b), the authority of the Secretary of Transportation to carry out the essential air service program under this subchapter shall sunset on October 1, 2013.

''(b) ALASKA AND HAWAII.—The Secretary may continue to carry out the essential air service program under this subchapter in Alaska and Hawaii following the sunset date specified in subsection (a).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41748 the following:

''41749. Sunset.''.

### Subtitle B—Passenger Air Service Improvements

**SEC. 421. SMOKING PROHIBITION.**

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking ''***scheduled***'' and inserting ''***passenger***''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—An individual may not smoke—

''(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

''(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

''(1) in an aircraft in scheduled passenger foreign air transportation; and

''(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on passenger flights.''.

**SEC. 422. MONTHLY AIR CARRIER REPORTS.**

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate-arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.''.

(b) EFFECTIVE DATE.—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

**SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Secretary of Transportation''; and

(2) by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) SLOTS.—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Secretary shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport under section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Secretary, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be provided a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority provided to beyond-perimeter operations conducted by the new entrant air carriers and limited incumbent air carriers.''.

**SEC. 424. MUSICAL INSTRUMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

***''§ 41724. Musical instruments***

''(a) INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in a closet, baggage compartment, or cargo stowage compartment (approved by the Administrator of the Federal Aviation Administration) in the passenger compartment of the aircraft used to provide such transportation if—

''(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

''(2) there is space for such stowage on the aircraft.

''(b) LARGE INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to be secured in a closet, baggage compartment, or cargo stowage compartment pursuant to subsection (a) in the passenger compartment of the aircraft used to provide such transportation if—

''(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

''(2) the passenger has purchased a seat to accommodate the instrument.

''(c) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier providing air transportation shall transport as baggage a musical instrument that may not be carried in the passenger compartment of the aircraft used to provide such transportation pursuant to subsection (a) or (b) and that is the property of a passenger on the aircraft if—

''(1) the sum of the length, width, and height of the instrument (measured in inches of the outside linear dimensions of the instrument, including the case) does not exceed 150 inches or the size restrictions for that aircraft;

''(2) the weight of the instrument does not exceed 165 pounds or the weight restrictions for that aircraft; and

''(3) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator.

''(d) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting the carrier's liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the carrier.''.

(b) REGULATIONS.—The Secretary of Transportation may prescribe such regulations as may be necessary or appropriate to implement the amendment made by subsection (a).

(c) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Musical instruments.''.

**SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

***''CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS***

''Sec.

''42301. Emergency contingency plans.

''42302. Consumer complaints.

''42303. Use of insecticides in passenger aircraft.

***''§ 42301. Emergency contingency plans***

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

''(1) An air carrier providing covered air transportation at a large hub or medium hub airport.

''(2) An operator of a large hub or medium hub airport.

''(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

''(b) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub and medium hub airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

''(A) provide food, potable water, restroom facilities, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

''(B) allow passengers to deplane following excessive tarmac delays; and

''(C) share facilities and make gates available at the airport in an emergency.

''(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

''(1) provide for the deplanement of passengers following excessive tarmac delays;

''(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

''(d) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(e) APPROVAL.—

''(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary,

require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

''(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

''(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

''(f) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

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

''(1) COVERED AIR TRANSPORTATION.—The term 'covered air transportation' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

''(2) TARMAC DELAY.—The term 'tarmac delay' means the period during which passengers are on board an aircraft on the tarmac—

''(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

''(B) awaiting deplaning after the aircraft has landed.

***''§ 42302. Consumer complaints***

''(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of—

''(1) that telephone number; and

''(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

''(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

''(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

''(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on—

''(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates; and

''(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

***''§ 42303. Use of insecticides in passenger aircraft***

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''.

(b) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(c) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Passenger Air Service Improvements ..... 42301''.

***SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.***

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

***SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.***

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and titled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a reexamination of capacity benchmarks at the Nation's busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers;

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;

(6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and

(7) the impact of flight delays and cancellations on the airline industry.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

***SEC. 428. DENIED BOARDING COMPENSATION.***

(a) EVALUATION OF DENIED BOARDING COMPENSATION.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Transportation shall evaluate the amount provided by air carriers for denied boarding compensation.

(b) ADJUSTMENT OF AMOUNT.—If, upon completing an evaluation required under subsection (a), the Secretary determines that the amount provided for denied boarding compensation should be adjusted, the Secretary shall issue a regulation to adjust such compensation.

***SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.***

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

***SEC. 430. SCHEDULE REDUCTION.***

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse

effect on the safe and efficient use of navigable airspace,

the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

**SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.**

The Secretary of Transportation may investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

**SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART 135.**

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—

(1) the size and type of aircraft in the fleet;

(2) the equipment utilized by the fleet;

(3) the hours flown each year by the fleet;

(4) the utilization rates with respect to the fleet;

(5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;

(6) the sales revenues of the fleet; and

(7) the number of passengers and airports served by the fleet.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

(2) UPDATES.—Not later than 3 years after the date of the submission of the report required under paragraph (1), and every 2 years thereafter, the Administrator shall update the report required under that paragraph and submit the updated report to the committees specified in that paragraph.

**SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

(a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

(b) CONTENTS.—The study shall include—

(1) a review of foreign government and air carrier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers use cell phones for voice communications during flight; and

(3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.

(c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

## TITLE V—ENVIRONMENTAL STREAMLINING

**SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

(a) GENERAL REQUIREMENTS.—Section 40128(a)(1)(C) is amended by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park''.

(b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—Section 40128(a) is amended by adding at the end the following:

''(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—

''(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

''(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding one-year period over such park.''.

(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—

''(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

''(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

''(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

''(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.''.

(d) INTERIM OPERATING AUTHORITY.—Section 40128(c) is amended—

(1) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

''(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.''; and

(2) in paragraph (3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph, if—

''(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.''.

(e) OPERATOR REPORTS.—Section 40128 is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are

*conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.*

*''(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.''.*

***SEC. 502. STATE BLOCK GRANT PROGRAM.***

*(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—*

*(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and*

*(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.*

*(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.*

*(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:*

*''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—*

*''(1) coordinate and consult with the State;*

*''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and*

*''(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.''.*

***SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING.***

*(a) AVIATION PROJECT REVIEW PROCESS.—Section 47171(a) is amended in the matter preceding paragraph (1) by striking ''and aviation security projects'' and inserting ''aviation security projects, and NextGen environmental efficiency projects''.*

*(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—Section 47171(b) is amended—*

*(1) by amending paragraph (1) to read as follows:*

*''(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS AND CERTAIN NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.—The following projects shall be subject to the coordinated and expedited environmental review process requirements set forth in this section:*

*''(A) An airport capacity enhancement project at a congested airport.*

*''(B) A NextGen environmental efficiency project at an Operational Evolution Partnership airport or any congested airport.''; and*

*(2) in paragraph (2)—*

*(A) in the heading by striking ''AND AVIATION SECURITY PROJECTS'' and inserting ''PROJECTS, AVIATION SECURITY PROJECTS, AND ANY NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS'';*

*(B) in subparagraph (A) by striking ''or aviation security project'' and inserting '', an aviation security project, or any NextGen environmental efficiency project''; and*

*(C) in subparagraph (B) by striking ''or aviation security project'' and inserting '', aviation security project, or NextGen environmental efficiency project''.*

*(c) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Section 47171(c)(1) is amended by striking ''an airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.*

*(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—Section 47171(d) is amended by striking ''each airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.*

*(e) LEAD AGENCY RESPONSIBILITY.—Section 47171(h) is amended by striking ''airport capacity enhancement projects at congested airports'' and inserting ''projects described in subsection (b)(1)''.*

*(f) ALTERNATIVES ANALYSIS.—Section 47171(k) is amended by striking ''an airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.*

*(g) DEFINITIONS.—Section 47171 is amended by adding at the end the following:*

*''(n) DEFINITIONS.—In this section, the following definitions apply:*

*''(1) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least one percent of all delayed aircraft operations in the United States in the most recent year for which data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2004.*

*''(2) NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECT.—The term 'NextGen environmental efficiency project' means a Next Generation Air Transportation System aviation project that—*

*''(A) develops and certifies performance-based navigation procedures; or*

*''(B) develops other environmental mitigation projects the Secretary may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.*

*''(3) PERFORMANCE-BASED NAVIGATION.—The term 'performance-based navigation' means a framework for defining performance requirements in navigation specifications that—*

*''(A) can be applied to an air traffic route, instrument procedure, or defined airspace; or*

*''(B) provides a basis for the design and implementation of automated flight paths, airspace design, and obstacle clearance.''.*

***SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.***

*Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—*

*''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;*

*''(2) to conduct special environmental studies related to an airport project funded with Federal funds;*

*''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;*

*''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration; and*

*''(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.''.*

***SEC. 505. NOISE COMPATIBILITY PROGRAMS.***

*Section 47504(a)(2) is amended—*

*(1) by striking ''and'' after the semicolon in subparagraph (D);*

*(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations; and''; and*

*(3) by adding at the end the following:*

*''(F) conducting comprehensive land use planning (including master plans, traffic studies, environmental evaluation, and economic and feasibility studies), jointly with neighboring local jurisdictions undertaking community redevelopment in an area in which land or other property interests have been acquired by the operator pursuant to this section, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.*

***SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.***

*Section 47504 is amended by adding at the end the following:*

*''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—*

*''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).*

*''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).*

*''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—*

*''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;*

*''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and*

*''(C) shall remain available until expended.''.*

***SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.***

*Section 47504 (as amended by this Act) is further amended by adding at the end the following:*

*''(f) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.*

***SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.***

*(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:*

***''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels***

*''(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2014, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.*

*''(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.*

*''(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft*

*otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:*

*''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.*

*''(2) To scrap the aircraft.*

*''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.*

*''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.*

*''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.*

*''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).*

*''(7) To provide transport of persons and goods in the relief of an emergency situation.*

*''(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).*

*''(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.*

*''(e) STATUTORY CONSTRUCTION.—*

*''(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.*

*''(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Section 47531 is amended—*

*(A) in the section heading by striking ''**for violating sections 47528–47530**''; and*

*(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.*

*(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.*

*(3) The analysis for subchapter II of chapter 475 is amended—*

*(A) by striking the item relating to section 47531 and inserting the following:*

*''47531. Penalties.''; and*

*(B) by adding at the end the following:*

*''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.*

***SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.***

*(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.*

*(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.*

*(c) MAXIMUM AMOUNT.—Not more than a total of $2,500,000 may be expended under the pilot program at any single public-use airport.*

***SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.***

*The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.*

***SEC. 511. SENSE OF CONGRESS.***

*It is the sense of Congress that—*

*(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and*

*(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO.*

***SEC. 512. AVIATION NOISE COMPLAINTS.***

*(a) TELEPHONE NUMBER POSTING.—Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.*

*(b) SUMMARIES AND REPORTS.—Not later than 15 months after the date of enactment of this Act, and annually thereafter, an owner or operator that receives noise complaints from 25 individuals during the preceding year under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by electronic means.*

## *TITLE VI—FAA EMPLOYEES AND ORGANIZATION*

***SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.***

*(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—*

*(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and*

*(2) by striking paragraph (2) and inserting the following:*

*''(2) DISPUTE RESOLUTION.—*

*''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—*

*''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization and Reform Act of 2011); or*

*''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.*

*''(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.*

*''(C) BINDING ARBITRATION FOR TERM BARGAINING.—*

*''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.*

*''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.*

*''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.*

*''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.*

*''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.*

*''(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—*

*''(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;*

*''(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget;*

*''(III) the effect of its arbitration decisions on other Federal Aviation Administration employees; and*

*''(IV) any other factors whose consideration would assist the board in fashioning a fair and equitable award.*

*''(vii) COSTS.—The parties shall share costs of the arbitration equally.*

*''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).''.*

***SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.***

*Section 40122(g)(2) is amended—*

*(1) in subparagraph (G) by striking ''and'' after the semicolon;*

*(2) in subparagraph (H) by striking ''Board.'' and inserting ''Board; and''; and*

*(3) by adding at the end the following:*

*''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—*

*''(i) for purposes of applying such provisions to the personnel management system—*

*''(I) the term 'agency' means the Department of Transportation;*

*''(II) the term 'senior executive' means a Federal Aviation Administration executive;*

*''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and*

*''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;*

*''(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and*

*''(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.*

***SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.***

*(a) STUDY.—*

*(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator's technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as ''FAA systems specialists'').*

*(2) CONTENTS.—The study shall include—*

*(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;*

*(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;*

*(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and*

*(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.*

*(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.*

*(b) WORKLOAD OF SYSTEMS SPECIALISTS.—*

*(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system in the most cost effective manner.*

*(2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including labor, government, and industry representatives.*

*(3) REPORT.—Not later than one year after the initiation of the arrangements under paragraph (1), the National Academy of Sciences shall submit to Congress a report on the results of the study.*

***SEC. 604. SAFETY CRITICAL STAFFING.***

*(a) IN GENERAL.—Not later than October 1, 2011, the Administrator of the Federal Aviation Administration shall implement, to the extent practicable and in a cost-effective manner, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled ''Staffing Standards for Aviation Safety Inspectors''. In doing so, the Administrator shall consult with interested persons, including aviation safety inspectors.*

*(b) REPORT.—Not later than October 1 of each fiscal year beginning after September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).*

*(c) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—*

*(1) aviation safety inspectors, safety technical specialists, and operational support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2011 congressional budget justification); and*

*(2) manufacturing safety inspectors, pilots, engineers, chief scientific and technical advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2011 congressional budget justification).*

***SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.***

*(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.*

*(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including employee, Government, and industry representatives.*

*(c) CONTENTS.—The study shall include—*

*(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;*

*(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and*

*(3) consideration of the Administration's current and estimated budgets and the most cost-effective staffing model to best leverage available funding.*

*(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.*

***SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.***

*Section 44506 is amended—*

*(1) by redesignating subsection (d) as subsection (e); and*

*(2) by inserting after subsection (c) the following:*

*''(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—*

*''(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—*

*''(A) received a control tower operator certification (referred to in this subsection as a 'CTO' certificate); and*

*''(B) satisfied all other applicable qualification requirements for an air traffic control specialist position.*

*''(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.*

*''(3) REPORT.—Not later than 18 months after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.*

*''(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase the number of appointments of candidates who possess such certification.*

*''(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—*

*''(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.*

*''(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—*

*''(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;*

*''(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and*

*''(iii) remain available until expended.''.*

***SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.***

*(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator's technical training strategy and improvement plan for air traffic controllers.*

*(b) CONTENTS.—The study shall include—*

*(1) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;*

*(2) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;*

*(3) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;*

*(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3);*

*(5) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and*

*(6) the most cost-effective approach to provide training to air traffic controllers.*

*(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,*

and Transportation of the Senate a report on the results of the study.

**SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

(a) STUDY.—The Comptroller General shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as ''CTI'' programs) conducted under section 44506(c) of title 49, United States Code.

(b) CONTENTS.—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new controller orientation session at the Mike Monroney Aeronautical Center for graduates of CTI programs followed by on-the-job training for newly hired air traffic controllers who are graduates of CTI programs and shall include an analysis of—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 609. FAA FACILITY CONDITIONS.**

(a) STUDY.—The Comptroller General shall conduct a study of—

(1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration;

(3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) FACILITY CONDITION INDICES.—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) RECOMMENDATIONS.—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary to—

(1) prioritize those facilities needing the most immediate attention based on risks to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

**SEC. 610. FRONTLINE MANAGER STAFFING.**

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;

(2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(3) coverage requirements in relation to traffic demand;

(4) facility type;

(5) complexity of traffic and managerial responsibilities;

(6) proficiency and training requirements; and

(7) such other factors as the Administrator considers appropriate.

(c) PARTICIPATION.—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.

(d) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

(f) DEFINITION.—In this section, the term ''frontline manager'' means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration.

## TITLE VII—AVIATION INSURANCE

**SEC. 701. GENERAL AUTHORITY.**

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''shall extend through'' and all that follows through ''the termination date'' and inserting ''shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2021, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2021, and except as provided in clause (ii), premiums collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2021;

''(II) the amount of any claims pending under such policies as of December 31, 2021; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2021.''.

**SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.**

The first sentence of section 44303(b) is amended by striking ''ending on'' and all that follows through ''the Secretary may certify'' and inserting ''ending on December 31, 2013, the Secretary may certify''.

**SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

The second sentence of section 44304 is amended by striking ''the carrier'' and inserting ''any insurance carrier''.

**SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

The second sentence of section 44308(c)(1) is amended by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

## TITLE VIII—MISCELLANEOUS

**SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.**

Section 40119(b) is amended by adding at the end the following:

''(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

**SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.**

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

**''§ 40130. FAA access to criminal history records and database systems**

''(a) ACCESS TO RECORDS AND DATABASE SYSTEMS.—

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may have direct access to a system of documented criminal justice information maintained by the Department of Justice or by a State, but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with direct access to the system.

''(3) LIMITATION.—The Administrator may not use the direct access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have direct access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by

*a State or local authority in that State who is certified or commissioned under the laws of that State has direct access and in the same manner as such police officer; and*

*''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.*

*''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.*

*(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:*

*''40130. FAA access to criminal history records and database systems.''.*

***SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.***

*Section 46301 is amended—*

*(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';*

*(2) in subsection (a)(5)(A)(i)—*

*(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and*

*(B) by inserting after ''44909)'' the following: '', or chapter 451'';*

*(3) in subsection (d)(2)—*

*(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)'';*

*(B) by inserting after ''44909),'' the following: ''section 45107,'';*

*(C) by striking ''46302'' and inserting ''section 46302''; and*

*(D) by striking ''46303'' and inserting ''section 46303''; and*

*(4) in subsection (f)(1)(A)(i)—*

*(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and*

*(B) by inserting after ''44909)'' the following: '', or chapter 451''.*

***SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.***

*(a) IN GENERAL.—Chapter 445 (as amended by this Act) is further amended by adding at the end the following new section:*

***''§ 44519. Realignment and consolidation of FAA services and facilities***

*''(a) PURPOSE.—The purpose of this section is to establish a fair process that will result in the realignment and consolidation of FAA services and facilities to help reduce capital, operating, maintenance, and administrative costs and facilitate Next Generation Air Transportation System air traffic control modernization efforts without adversely affecting safety.*

*''(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall realign and consolidate FAA services and facilities pursuant to recommendations made by the Aviation Facilities and Services Board established under subsection (g).*

*''(c) ADMINISTRATOR'S RECOMMENDATIONS.—*

*''(1) PROPOSED CRITERIA.—*

*''(A) IN GENERAL.—The Administrator shall develop proposed criteria for use by the Administrator in making recommendations for the realignment and consolidation of FAA services and facilities under this section.*

*''(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Administrator shall publish the proposed criteria in the Federal Register and transmit the proposed criteria to the congressional committees of interest.*

*''(C) NOTICE AND COMMENT.—The Administrator shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the Federal Register.*

*''(2) FINAL CRITERIA.—*

*''(A) IN GENERAL.—The Administrator shall establish final criteria based on the proposed criteria developed under paragraph (1).*

*''(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Administrator shall publish the final criteria in the Federal Register and transmit the final criteria to the congressional committees of interest.*

*''(3) RECOMMENDATIONS.—*

*''(A) IN GENERAL.—The Administrator shall make recommendations for the realignment and consolidation of FAA services and facilities under this section based on the final criteria established under paragraph (2).*

*''(B) CONTENTS.—The recommendations shall consist of a list of FAA services and facilities for realignment and consolidation, together with a justification for each service and facility included on the list.*

*''(C) PUBLICATION; TRANSMITTAL TO BOARD AND CONGRESS.—Not later than 120 days after the date of enactment of this section, the Administrator shall publish the recommendations in the Federal Register and transmit the recommendations to the Board and the congressional committees of interest.*

*''(D) INFORMATION.—The Administrator shall make available to the Board and the Comptroller General all information used by the Administrator in establishing the recommendations.*

*''(E) ADDITIONAL RECOMMENDATIONS.—The Administrator is authorized to make additional recommendations under this paragraph every 2 years.*

*''(d) BOARD'S REVIEW AND RECOMMENDATIONS.—*

*''(1) PUBLIC HEARINGS.—Not later than 30 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall conduct public hearings on the recommendations.*

*''(2) BOARD'S RECOMMENDATIONS.—*

*''(A) REPORT TO CONGRESS.—Based on the Board's review and analysis of the Administrator's recommendations and any public comments received under paragraph (1), the Board shall develop a report containing the Board's findings and conclusions concerning the Administrator's recommendations, together with the Board's recommendations for realignment and consolidation of FAA services and facilities. The Board shall explain and justify in the report any recommendation made by the Board that differs from a recommendation made by the Administrator.*

*''(B) PUBLICATION IN FEDERAL REGISTER; TRANSMITTAL TO CONGRESS.—Not later than 60 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall publish the report in the Federal Register and transmit the report to the congressional committees of interest.*

*''(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall assist the Board, to the extent requested by the Board, in the Board's review and analysis of the Administrator's recommendations.*

*''(e) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Subject to subsection (f), the Administrator shall—*

*''(1) realign or consolidate the FAA services and facilities recommended for realignment or consolidation by the Board in a report transmitted under subsection (d);*

*''(2) initiate all such realignments and consolidations not later than one year after the date of the report; and*

*''(3) complete all such realignments and consolidations not later than 3 years after the date of the report.*

*''(f) CONGRESSIONAL DISAPPROVAL.—*

*''(1) IN GENERAL.—The Administrator may not carry out a recommendation of the Board for realignment or consolidation of FAA services and facilities that is included in a report transmitted under subsection (d) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—*

*''(A) the last day of the 30-day period beginning on the date of the report; or*

*''(B) the adjournment of Congress sine die for the session during which the report is transmitted.*

*''(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.*

*''(g) AVIATION FACILITIES AND SERVICES BOARD.—*

*''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall establish an independent board to be known as the 'Aviation Facilities and Services Board'.*

*''(2) COMPOSITION.—The Board shall be composed of the following members:*

*''(A) The Secretary (or a designee of the Secretary), who shall be the Chair of the Board.*

*''(B) Two members appointed by the Secretary, who may not be officers or employees of the Federal Government.*

*''(C) The Comptroller General (or a designee of the Comptroller General), who shall be a nonvoting member of the Board.*

*''(3) DUTIES.—The Board shall carry out the duties specified for the Board in this section.*

*''(4) TERM.—The members of the Board to be appointed under paragraph (2)(B) shall each be appointed for a term of 3 years.*

*''(5) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment was made, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.*

*''(6) COMPENSATION AND BENEFITS.—A member of the Board may not receive any compensation or benefits from the Federal Government for serving on the Board, except that—*

*''(A) a member shall receive compensation for work injuries under subchapter I of chapter 81 of title 5; and*

*''(B) a member shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from the member's usual place of residence in accordance with section 5703 of title 5.*

*''(7) STAFF.—The Administrator shall make available to the Board such staff, information, and administrative services and assistance as may be reasonably required to enable the Board to carry out its responsibilities under this section. The Board may employ experts and consultants on a temporary or intermittent basis with the approval of the Secretary.*

*''(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.*

*''(h) AUTHORIZATION OF APPROPRIATIONS.—*

*''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator for each of fiscal years 2011 through 2014 $200,000 for the Board to carry out its duties.*

*''(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.*

*''(i) EFFECT ON OTHER AUTHORITIES.—Nothing in this section shall be construed to affect the authorities provided in section 44503 or the existing authorities or responsibilities of the Administrator under this title to manage the operations of the Federal Aviation Administration, including realignment or consolidation of facilities or services.*

*''(j) DEFINITIONS.—In this section, the following definitions apply:*

''(1) BOARD.—The term 'Board' means the Aviation Facilities and Services Board established under subsection (g).

''(2) CONGRESSIONAL COMMITTEES OF INTEREST.—The term 'congressional committees of interest' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(3) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(4) REALIGNMENT.—The term 'realignment' includes any action that relocates functions and personnel positions but does not include an overall reduction in personnel resulting from workload adjustments.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 (as amended by this Act) is further amended by adding at the end the following:

''44519. Realignment and consolidation of FAA services and facilities.''.

**SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.**

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's Internet Web site in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

**SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

The Secretary of Transportation may not use any funds made available pursuant to this Act (including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

**SEC. 808. STUDY ON AVIATION FUEL PRICES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.

(b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

**SEC. 809. WIND TURBINE LIGHTING.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.

(2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.

(3) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

**SEC. 810. AIR-RAIL CODE SHARING STUDY.**

(a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall initiate a study regarding—

(1) the existing airline and intercity passenger rail code sharing arrangements; and

(2) the feasibility, costs to taxpayers and other parties, and benefits of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—

(1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;

(2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;

(3) the experience of other countries with airport and intercity passenger rail connectivity; and

(4) such other issues the Comptroller General considers appropriate.

(c) REPORT.—Not later than one year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

**SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.**

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

**SEC. 812. FAA REVIEW AND REFORM.**

(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

(1) duplicative positions, programs, roles, or offices;

(2) wasteful practices;

(3) redundant, obsolete, or unnecessary functions;

(4) inefficient processes; and

(5) ineffectual or outdated policies.

(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator's findings under subsection (a), including—

(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

(2) eliminating or streamlining wasteful practices;

(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

(5) reforming or eliminating ineffectual or outdated policies.

(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.

**SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.**

(a) IN GENERAL.—Subject to subsection (b), the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (c) to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders.

(b) APPLICABILITY OF EXEMPTION.—The exemption provided by subsection (a) shall apply in circumstances in which transportation of the

*cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.*

*(c) DESCRIPTION OF REGULATORY REQUIREMENTS.—The regulations referred to in subsection (a) are the regulations of the Pipeline and Hazardous Materials Safety Administration contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and 175.501(b) of title 49, Code of Federal Regulations.*

## *TITLE IX—NATIONAL MEDIATION BOARD*

### *SEC. 901. AUTHORITY OF INSPECTOR GENERAL.*

*Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:*

*''AUTHORITY OF INSPECTOR GENERAL*

*''SEC. 15. (a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, is authorized to review the financial management, property management, and business operations of the Mediation Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.*

*''(b) DUTIES.—In carrying out this section, the Inspector General shall—*

*''(1) keep the chairman of the Mediation Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Mediation Board;*

*''(2) issue findings and recommendations for actions to address such problems; and*

*''(3) report periodically to Congress on any progress made in implementing actions to address such problems.*

*''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).*

*''(d) AUTHORIZATIONS OF APPROPRIATIONS.—*

*''(1) FUNDING.—There is authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation not more than $125,000 for each of fiscal years 2011 through 2014 to cover expenses associated with activities pursuant to the authority exercised under this section.*

*''(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Mediation Board shall have a reimbursable agreement to cover such expense.''.*

### *SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDIATION BOARD.*

*Title I of the Railway Labor Act (as amended by section 901 of this Act) is further amended by adding at the end the following:*

*''EVALUATION AND AUDIT OF MEDIATION BOARD*

*''SEC. 16. (a) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.*

*''(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Mediation Board programs, operations, and activities, including at a minimum—*

*''(1) information management and security, including privacy protection of personally identifiable information;*

*''(2) resource management;*

*''(3) workforce development;*

*''(4) procurement and contracting planning, practices, and policies;*

*''(5) the extent to which the Mediation Board follows leading practices in selected management areas; and*

*''(6) the processes the Mediation Board follows to address challenges in—*

*''(A) initial investigations of representation applications;*

*''(B) determining and certifying representatives of employees; and*

*''(C) ensuring that the process occurs without interference, influence, or coercion.*

*''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.*

### *SEC. 903. REPEAL OF RULE.*

*Effective January 1, 2011, the rule prescribed by the National Mediation Board relating to representation election procedures published on May 11, 2010 (95 Fed. Reg. 26062) and revising sections 1202 and 1206 of title 29, Code of Federal Regulations, shall have no force or effect.*

## *TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011*

### *SEC. 1001. SHORT TITLE.*

*This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2011''.*

### *SEC. 1002. DEFINITIONS.*

*In this title, the following definitions apply:*

*(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.*

*(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.*

*(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).*

*(4) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.*

*(5) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.*

*(6) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.*

*(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.*

### *SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.*

*(a) IN GENERAL.—Section 48102(a) is amended—*

*(1) in the matter before paragraph (1) by striking ''of this title'' and inserting ''of this title and, for each of fiscal years 2011 through 2014, under subsection (g)'';*

*(2) in paragraph (11)—*

*(A) in subparagraph (K) by inserting ''and'' at the end; and*

*(B) in subparagraph (L) by striking ''and'' at the end;*

*(3) in paragraph (13) by striking ''and'' at the end;*

*(4) in paragraph (14) by striking the period at the end and inserting a semicolon; and*

*(5) by adding at the end the following:*

*''(15) for fiscal year 2011, $165,020,000; and*

*''(16) for each of the fiscal years 2012 through 2014, $146,827,000.''.*

*(b) SPECIFIC PROGRAM LIMITATIONS.—Section 48102 is amended by inserting after subsection (f) the following:*

*''(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:*

*''(1) Fire Research and Safety.*

*''(2) Propulsion and Fuel Systems.*

*''(3) Advanced Materials/Structural Safety.*

*''(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.*

*''(5) Continued Airworthiness.*

*''(6) Aircraft Catastrophic Failure Prevention Research.*

*''(7) Flightdeck/Maintenance/System Integration Human Factors.*

*''(8) System Safety Management.*

*''(9) Air Traffic Control/Technical Operations Human Factors.*

*''(10) Aeromedical Research.*

*''(11) Weather Program.*

*''(12) Unmanned Aircraft Systems Research.*

*''(13) NextGen—Alternative Fuels for General Aviation.*

*''(14) Joint Planning and Development Office.*

*''(15) NextGen—Wake Turbulence Research.*

*''(16) NextGen—Air Ground Integration Human Factors.*

*''(17) NextGen—Self Separation Human Factors.*

*''(18) NextGen—Weather Technology in the Cockpit.*

*''(19) Environment and Energy Research.*

*''(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.*

*''(21) System Planning and Resource Management.*

*''(22) The William J. Hughes Technical Center Laboratory Facility.''.*

*(c) PROGRAM AUTHORIZATIONS.—If the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, are authorized for each of the fiscal years 2011 through 2014, the following research and development activities are authorized:*

*(1) Runway Incursion Reduction.*

*(2) System Capacity, Planning, and Improvement.*

*(3) Operations Concept Validation.*

*(4) NAS Weather Requirements.*

*(5) Airspace Management Program.*

*(6) NextGen—Air Traffic Control/Technical Operations Human Factors.*

*(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions reduction.*

*(8) NextGen—New Air Traffic Management Requirements.*

*(9) NextGen—Operations Concept Validation—Validation Modeling.*

*(10) NextGen—System Safety Management Transformation.*

*(11) NextGen—Wake Turbulence—Recategorization.*

*(12) NextGen—Operational Assessments.*

*(13) NextGen—Staffed NextGen Towers.*

*(14) Center for Advanced Aviation System Development.*

*(15) Airports Technology Research Program—Capacity.*

*(16) Airports Technology Research Program—Safety.*

*(17) Airports Technology Research Program—Environment.*

*(18) Airport Cooperative Research—Capacity.*

*(19) Airport Cooperative Research—Environment.*

*(20) Airport Cooperative Research—Safety.*

### *SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.*

*(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—*

*(1) in paragraph (6) by striking ''and'' after the semicolon;*

*(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.*

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

**SEC. 1005. RESEARCH PROGRAM ON RUNWAYS.**

Section 44505(c) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8); and

(2) by inserting after paragraph (2) the following:

''(3) improved runway surfaces;

''(4) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations;''.

**SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.**

Section 44505 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

''(1) RESEARCH.—Not later than 1 year after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

''(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall develop a plan for the research under paragraph (1) that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

''(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011.''.

**SEC. 1007. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''Not later than 6 months after the expiration of the program under this subsection,'' and inserting ''Not later than September 30, 2012,''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

**SEC. 1008. CENTERS OF EXCELLENCE.**

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for any fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.''.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

''(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

''(1) the research projects that have been initiated by each center in the preceding year;

''(2) the amount of funding for each research project and the funding source;

''(3) the institutions participating in each project and their shares of the overall funding for each research project; and

''(4) the level of cost-sharing for each research project.''.

**SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.**

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

(4) Research and the development of a comprehensive assessment of the airframe and powerplant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

**SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.**

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) CONTENTS.—Such plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—Such plan—

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

(C) shall be updated, as appropriate, every 3 years after the initial submission.

**SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.**

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with the NASA Administrator, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

(c) COLLABORATIONS.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

(2) other appropriate Federal agencies.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

**SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

(a) RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary shall conduct a research program related to developing and certifying jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY STAKEHOLDERS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions and by industry partners that have existing facilities and experience in the research and development of technology for alternative jet fuels.

(c) COLLABORATIONS.—In conducting the program, the Secretary may collaborate with existing interagency programs—

(1) to further the research and development of alternative jet fuel technology for civil aircraft, including feasibility studies; and

(2) to exchange information with the participants in the Commercial Aviation Alternative Fuels Initiative.

**SEC. 1013. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.**

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of FAA energy-related and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs at NASA, NOAA, and other relevant agencies;

*(3) the programs have allocated appropriate resources to each of the research objectives; and*

*(4) there exist suitable mechanisms for transitioning the research results into FAA's operational technologies and procedures and certification activities.*

*(b) REPORT.—A report containing the results of such review shall be provided to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.*

***SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.***

*(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of the FAA's aviation safety-related research programs. The review shall assess whether—*

*(1) the programs have well-defined, prioritized, and appropriate research objectives;*

*(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;*

*(3) the programs have allocated appropriate resources to each of the research objectives;*

*(4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and*

*(5) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.*

*(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:*

*(1) Air traffic control/technical operations human factors.*

*(2) Runway incursion reduction.*

*(3) Flightdeck/maintenance system integration human factors.*

*(4) Airports technology research—safety.*

*(5) Airport Cooperative Research Program—safety.*

*(6) Weather Program.*

*(7) Atmospheric hazards/digital system safety.*

*(8) Fire research and safety.*

*(9) Propulsion and fuel systems.*

*(10) Advanced materials/structural safety.*

*(11) Aging aircraft.*

*(12) Aircraft catastrophic failure prevention research.*

*(13) Aeromedical research.*

*(14) Aviation safety risk analysis.*

*(15) Unmanned aircraft systems research.*

*(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of such review.*

## *TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING*

***SEC. 1101. SHORT TITLE.***

*This title may be cited as the ''Airport and Airway Trust Fund Financing Reauthorization Act of 2011''.*

***SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.***

*(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—*

*(1) by striking ''April 1, 2011'' and inserting ''October 1, 2014'', and*

*(2) by inserting ''or the FAA Reauthorization and Reform Act of 2011'' before the semicolon at the end of subparagraph (A).*

*(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''April 1, 2011'' and inserting ''October 1, 2014''.*

***SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.***

*(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.*

*(b) TICKET TAXES.—*

*(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.*

*(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.*

## *TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010*

***SEC. 1201. COMPLIANCE PROVISION.***

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

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–46. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–46.

Mr. MICA. 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 30, line 25, insert ''or near'' after ''adjacent to''.

Page 31, line 8, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 31, line 16, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 32, line 2, insert ''or near'' after ''adjacent to''.

Page 32, line 12, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 87, strike lines 16 through 20 and insert the following:

(2) READINESS VERIFICATION.—Before the Administrator completes an ADS–B In equipage rulemaking proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.**

(a) DEVELOPMENT OF PLAN.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

(b) CONTENTS.—At a minimum, the plan shall—

(1) be based on public-private partnership principles; and

(2) leverage the use of private sector capital.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike ''44733'' and insert ''44732''.

Page 139, line 21, strike ''commercial'' and insert ''civil'' (and conform the table of contents accordingly).

Page 140, line 4, strike ''commercial'' and insert ''civil''.

Page 140, line 12, strike ''commercial'' and insert ''civil''.

Page 140, lines 18 and 19, strike ''commercial'' and insert ''civil''.

Page 140, line 20, strike ''commercial'' and insert ''civil''.

Page 141, line 10, strike ''commercial'' and insert ''civil''.

Page 141, line 16, strike ''commercial'' and insert ''civil''.

Page 142, line 10, strike ''Secretary'' and insert ''Secretary of Transportation''.

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

**SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, as the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, within the line of sight of the operator, less than 400 feet above the ground during daylight conditions, within Class G airspace, outside of 5 statute miles from any airport, heliport, seaplane base or spaceport, or any location with aviation activities.

Page 144, line 16, insert ''not fewer than'' before ''4 test ranges''

Page 145, line 4, strike ''commercial'' and insert ''civil''.

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

**SEC. 336. DISCLOSURE AND USE OF INFORMATION.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**''§ 44734. Disclosure and use of information**

''(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in this section, the following reports and data shall not be subject to discovery or subpoena or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any such proceeding:

''(1) A report developed under the Aviation Safety Action Program.

''(2) Data produced or collected under the Flight Operational Quality Assurance Program.

''(3) A report developed under the Line Operations Safety Audit Program.

''(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

''(A) assessing and improving aviation safety; or

''(B) developing and implementing a safety management system acceptable to the Administrator.

''(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

''(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.

''(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

''(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to relevant information contained in reports or data described in subsection (a) in making safety recommendations.

''(e) WAIVER.—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person's own use of the information in presenting a claim or defense.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44734. Disclosure and use of information.''.

**SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**''§ 44735. Liability protection for persons implementing safety management systems**

''(a) PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person's preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

''(2) LIMITATION.—Nothing in this section shall relieve a person from liability for damages resulting from the person's own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

''(b) ACCOUNTABLE EXECUTIVES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

''(A) shall be deemed to be acting in the person's official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

''(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person's responsibilities pursuant to the safety management system.

''(2) LIMITATION.—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person's willful or reckless acts or omissions as demonstrated by clear and convincing evidence.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44735. Liability protection for persons implementing safety management systems.''.

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

**SEC. 424. MUSICAL INSTRUMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

**''§ 41724. Musical instruments**

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

''(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

''(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

''(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).''.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Musical instruments.''.

Page 205, line 12, strike ''2014'' and insert ''2016''.

Page 210, line 6, strike ''and''.

Page 210, line 11, strike the period at the end and insert ''; and''.

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union's emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike ''(a) DISPUTE RESOLUTION.—''.

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

**SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.**

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

**''§ 40130. FAA authority to conduct criminal history record checks**

''(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

''(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

''(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

''(B) to receive relevant criminal history record information regarding the airman checked.

''(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

''(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

''(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Federal Aviation Administration to carry out the authority described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA authority to conduct criminal history record checks.''.

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

**SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2009–2010 edition, as amended (including amendments adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a), the Administrator may enforce the prohibition on transporting primary (nonrechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 of the table contained in section 172.102(c)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

**SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning, and capacity needs of the airport.

(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport's locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, for a period of 20 years.

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) COMPLETION OF DETERMINATION.—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.

(e) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term ''general aviation airport'' means an airport that does not receive scheduled passenger aircraft service.

**SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.**

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting ''(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)'' after ''aircraft'' ; and

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

''(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

**SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government's dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.

(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the noncommercial flights of that owner or operator, the display of that owner or operator's aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

**SEC. 818. CONTRACTING.**

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.

**SEC. 819. FLOOD PLANNING.**

The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

**TITLE XIII—COMMERCIAL SPACE**

**SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.**

Section 50905(c)(3) of title 51, United States Code, is amended by striking ''the date of enactment of the Commercial Space Launch Amendments Act of 2004'' and inserting ''the first licensed launch of a space flight participant''.

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

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself as much time as I may consume.

The manager's amendment is pretty simple. First of all, we have tried to accommodate as many Members as we could with their requests and include on both sides of the aisle provisions that they requested that weren't in the original submission.

Additionally, the manager's amendment makes technical corrections to provisions in the underlying bill, including those related to unmanned aircraft systems, ADS–B readiness verification, flight attendant fatigue, FAA access to criminal records databases, and also, as Mr. COBLE said, who was with us earlier, just a small accommodation for another Member who wanted musical instruments, some provisions again in the bill. So we have tried to accommodate many of the Members who have had these questions.

The manager's amendment also contains provisions regarding public-private partnerships to advance NextGen. If the government does it, it usually doesn't get done. If we have public-private partnerships and closely monitor that, we can have great success, reduce costs, and bring technology online that makes it even safer for people to fly at lower costs and with less personnel.

We have protections for voluntary safety data submissions. We also have a provision that is very important for the European Union Emissions Trading scheme. This is very important, because they are trying to close us down or tax us as we enter some of their airspace.

We have agreements at the airport for new revenue liability protections for volunteer pilot organizations, for public benefit flights, and also for privacy protections for airspace users, and also, finally, the safe shipment of lithium batteries.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
*Washington, DC, March 31, 2011.*

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for working with me in preparing the Manager's amendment to H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' As you know, the amendment includes provisions related to the Freedom of Information Act within the jurisdiction of the Committee on Oversight and Government Reform.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, March 31, 2011.*

Hon. DARRELL ISSA,
*Chairman, Committee on Oversight and Government Reform, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Oversight and Government Reform's jurisdictional interest in the Manager's amendment to H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.''

Thank you for your willingness to work with me on Freedom of Information Act provisions within the jurisdiction of the Committee on Oversight and Government Reform Committee. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

JOHN L. MICA,
*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. I oppose this amendment because, for me, it raises two key concerns.

First is that the amendment would basically create a liability shield for airlines and airports that are negligent and cause airplane crashes.

Last year, Congress directed the FAA to require airlines to implement safety management systems. Using these systems, airlines will use data to identify risk and improve safety. The FAA is likely to require airports to adopt similar systems.

Under this amendment, adoption of a safety management system would give airlines and airports a total ''pass'' on liability for their ordinary negligence. It would deprive passengers and their families of the right to seek compensation for damage caused by airline crashes. The right to go to court and seek compensation for damage caused by the negligence of another person, including an airline or airport, is an intrinsic part of our law. This amendment would take that right away, and I cannot support it.

My last concern is about a provision in the amendment dealing with lithium batteries. The transport of lithium batteries without appropriate safety checks has been proven to present hazards that could bring down an airplane. This amendment would lock the United States into following international standards on transporting lithium batteries that set the floor, not the bar that we should aspire to. It would prevent airlines from conducting acceptance checks of battery shipments and it would derail essential rulemakings by the Department of Transportation to ensure that lithium batteries are transported safely.

For these two reasons, Mr. Chairman, I cannot support the amendment.

I yield the balance of my time to the gentlelady from Maryland (Ms. EDWARDS).

The Acting CHAIR. The gentlewoman from Maryland is recognized for 3 minutes.

Ms. EDWARDS. Mr. Chairman, I rise in opposition to the manager's amendment. This amendment would extend the moratorium on safety regulations for human spaceflight launches for 8 years after the first licensed human spaceflight launch. With these types of flights likely not to begin until 2013, we are talking about delaying safety regulations for a decade or more.

Let me first say that I hope that commercial spaceflight, both manned and unmanned, eventually will become a robust sector of our economy. We are not quite there yet. But certainly some of these companies in this emerging industry openly talk about a business model of flying hundreds of paying passengers to space every year. These are ambitious goals, and I wish them well. I hope I am one of them.

But if these companies are successful and start carrying paying passengers like me, then what we are talking about with this amendment is allowing an entire human transportation system to operate for almost a decade without any meaningful safety regulation. I find that to be unconscionable.

I would point out that by rejecting the amendment, Congress is not dictating that any safety regulations have to be promulgated. On the contrary, under current law, an absolute prohibition exists until the end of 2012. Even after that point, the agency would not be required to move forward with the rulemaking process but would only do so if it saw a need. But imposing an arbitrarily prohibition on safety regulations for the remainder of the decade, if not longer, really abdicates our responsibility to the public.

□ 1620

If there's a fatal accident later in this decade, if we're carrying astronauts and there's an accident in the decade, I don't want it to be said that Congress blocked the establishment of safety regulations that could have prevented that accident, and I don't think many Members in this body would either.

I'd note that it's my understanding that the Science, Space, and Technology Committee is planning on holding hearings this session on this very topic, with an eye towards moving a bill to address these issues sometime in this Congress.

So we're really premature here to set in place a moratorium that we haven't even had a chance to hear debate on and hear from the industry or the FAA or safety experts on the subject. I hope this isn't the kind of rush to judgment that we'll come to expect on issues of public safety.

I have some familiarity with these issues on the Science, Space, and Technology Committee. The commercial

space folks argue that the spacecraft designs and operational concepts are not quite mature enough and that there's been no operational experience on which to base safety regulation. Fair enough. That may be true. But these same people are also arguing that the industry is mature enough for the government to turn over NASA's transport of astronauts to space to them. You cannot have it both ways.

These notions are mutually exclusive. If the industry is mature enough to take on tasks currently performed by the government, then the industry is mature enough to be thinking about a safety regime to ensure the American public is protected in these activities.

Mr. Chair, I want to note that, once again, there's no reason to rush to judgment on these issues.

Mr. MICA. To close on the manager's amendment which I have offered today, first of all, let me just say that the two objections that have been raised again by the minority—and I appreciate their concerns—as to the safety reporting, which we put in some years ago, has actually resulted in probably the safest system that we've had in the world and the safest safety record in history. If you stop and think about it—I chaired the Aviation Subcommittee—the last large commercial aircraft that we had that went down, unfortunately, was near Veterans Day of 2001, after 9/11.

Safety reporting is so important and is done on a voluntary basis, and it's so important that the people who collect this data are not held liable. They're collecting the data that benefits us to make this safe. This has worked. It's kept us safe. And we want to ensure, again, that this continues. Some will say we had commuter. Yes, we did have commuter. We also passed commuter safety legislation to deal with problems we had there. So we have a safe system. We don't want to stop that. We don't want the recording of the data to stop or those held liable that are collecting the data. That's the first point.

The second point: lithium batteries. This is a lithium battery. This has a lithium battery. This is a pacemaker. This keeps your heart going. This has a lithium battery. Laptops have lithium batteries. Almost everything has lithium batteries. Leave it to the DOT to try to put in place rules that would create stopping granny and grandpa and others that need this pacemaker from getting it. If we didn't have this provision in here, it would be a $1.1 billion impact on industry. We'd reroute the shipment of this stuff through other countries to avoid paying and going through the onerous regulations that our government would create.

Countless consumers would be forced to pay more because of silly regulations that don't make any sense. A severe supply chain issue and limitations on supply would be imposed. We would have delays in shipping lifesaving equipment. This little thing here that saves hearts, that's what they want to mess up. One more Federal regulation to delay shipping. Even our troops, who rely on these lithium batteries—their receiving them would be put at risk, the way DOT is doing.

This is a good provision. It needs to be in the bill. We've got to keep some of the regulation, those that put us out of business, put jobs overseas and put people at risk, out of our way.

I urge the House to pass the manager's amendment with these sound provisions that will make a big difference.

ALLIANCE FOR WORKER FREEDOM,
*Washington, DC, February 15, 2011.*

DEAR REPRESENTATIVE: On behalf of the Alliance for Worker Freedom (AWF), an organization established in 2003 to combat anti-worker legislation and promote free and open labor markets, I urge you to support the Title IX provision in the FAA Reauthorization bill which repeals last year's the unprecedented National Mediation Board (NMB) voting rule change.

I write this letter in anticipation of an amendment which looks to strip this essential provision from FAA Reauthorization.

Last year, the National Mediation Board reversed 75 years worth of precedent and numerous Supreme Court rulings, implementing elections rules whereby a majority of voters in a union election are now able to determine whether a collective bargaining unit has been formed. Prior to this ruling, a majority of a workforce was required to certify a union—a long held and well understood practice. The so-called ''minority rule'' ruling reveals a contempt for workers' preferences, as well as a clear bias towards union interests.

The three member NMB is comprised of two former union officials, both President Obama appointees, giving them a stranglehold over the agency's rulemaking process. It is essential that this obscure agency, beholden to union interests, have its power checked via Congressional action.

Title IX of the FAA Reauthorization legislation addresses the inappropriateness of this administratively imposed rule which aims to facilitate unionization at the expense of workers' preference. Union complaints that it has become too difficult to unionize workers, thus necessitating the NMB's change, are largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65% of the time.

Title IX looks to reinstate longstanding union election rules which require a majority of the workplace's consent to certify a union.

It is for these reasons that I hope you will help ensure that Title IX remains in the final version of the FAA Reauthorization legislation and oppose any amendments that look to remove this provision.

Sincerely,

CHRISTOPHER PRANDONI,
*Executive Director.*

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CARGO AIRLINE ASSOCIATION URGES PASSAGE OF H.R. 658

MARCH 1, 2011.—The Cargo Airline Association, the voice of the nation's all-cargo air carriers, applauds the efforts in the House of Representatives to enact legislation reauthorizing the programs of the Federal Aviation Administration (H.R. 658). Association president, Steve Alterman, noted that, ''This legislation ensures that modernization of our aviation infrastructure can now move forward, with satellite-based technology replacing our decades-old ground-based systems.'' The bill will also authorize important environmental programs that are critical to ensuring that environmental goals can be met and that alternative fuels research and development can continue.

Mr. Alterman further noted that the provisions of the bill will allow U.S. Carriers to remain competitive in a worldwide economy thereby protecting U.S. jobs and enabling the United States to retain its leadership in aviation technology. He stated that, ''The House proposal provides a long term funding stream for the FAA that will enable the Agency to prioritize and implement the improvements so badly needed by everyone who depends on our aviation system.''

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NATIONAL AIR CARRIER ASSOCIATION,
*Arlington, VA, March 1, 2011.*

Hon. JOHN MICA,
*Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.*

Hon. NICK RAHALL,
*Ranking Member, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, I wish to take this opportunity to express my strong support for passage of the House's version of the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011—HR. 658. Our members appreciate your willingness to move H.R. 658 at such a speedy pace. It has been far too long since Congress has passed a long term Reauthorization bill which is critical to the needs of all aspects of aviation.

Among the many positive aspects of this legislation is the authorization of an appropriate level of funds to help get ''NextGen'' moving and a part of aviation's future sooner rather than later. While NextGen equipage is a challenge for many aspects of the industry, including NACA carriers, we believe the funding levels authorized in this legislation is a good starting point for the program. NextGen represents tremendous opportunities for airlines and the traveling public to travel in a safer, faster, and more environmentally friendly aviation system.

Our members also greatly appreciate the risk-based approach to handling the sensitive issue of foreign repair stations. We believe our bilateral agreements demanded a different approach from past versions of FAA Reauthorization and H.R. 658 strikes the right balance.

Thank you for all of your efforts on behalf of the aviation industry. We stand ready to work with you on this legislation as well as all other future challenges facing our industry.

Sincerely,

A. OAKLEY BROOKS,
*President.*

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ASSOCIATION FOR UNMANNED VEHICLE SYSTEMS INTERNATIONAL,
*Arlington, VA, March 2, 2011.*

Hon. JOHN MICA,
*Chairman, House of Representatives, Transportation and Infrastructure Committee, Washington, DC.*

DEAR CHAIRMAN MICA: As the President and CEO of the Association for Unmanned Vehicle Systems International (AUVSI), the world's largest non-profit organization dedicated to the advancement of unmanned systems, I thank you for including important provisions in the House Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658) on integrating Unmanned Aircraft Systems (UAS) into the National Airspace System (NAS).

The UAS market, both defense and civil, is a promising segment in the U.S. aerospace industry, and one that has the potential to create tens of thousands of new jobs in the coming years. However, for these jobs to materialize, federal regulations on the use of

UAS in the NAS must be addressed. H.R. 658 requires the FAA to create a comprehensive plan on integrating UAS into the NAS and to have it implemented by September 30, 2015. Although many in the unmanned systems industry would like to see this timeline shortened, the industry is encouraged that the bill also includes language allowing for the expedited integration of certain types of UAS.

The bill also includes important provisions on the development and implementation of the Next Generation Air Transportation System (NextGen). Like all other users of the NAS, UAS will benefit from the implementation of NextGen, as it will allow manned and unmanned systems to fly in the same airspace.

Without a doubt, UAS integration will have a tremendous impact on the aerospace industry and aid in driving economic development in many regions across the country. How quickly new job creation and economic benefits become a reality, however, depends on the progress and timeliness of UAS integration efforts.

The unmanned systems community applauds your efforts to pass this long-overdue piece of legislation, and we look forward to continuing to work with Congress and the FAA on implementing these important UAS provisions. If you have any questions, or need any additional information, please contact AUVSI's Executive Vice President, Gretchen West, at west@auvsi.org.

Sincerely,

MICHAEL TOSCANO,
*President and CEO AUVSI.*

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EXPERIMENTAL AIRCRAFT ASSOCIATION,
*Oshkosh, WI, March 15, 2011.*

Hon. THOMAS PETRI,
*Chairman, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.*

Hon. JERRY COSTELLO,
*Ranking Member, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.*

CHAIRMAN PETRI AND RANKING MEMBER COSTELLO: The Experimental Aircraft Association (EAA), representing the aviation interests of more than 165,000 members who passionately engage in aviation for the purposes of sport, recreation, and personal transportation, supports the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as passed by the Transportation and Infrastructure Committee on March 10, 2011.

EAA has long held the view that the FAA needs a stable source of funding based on the well-established, fair, cost-effective and successful model of excise taxes on aviation fuels as opposed to the implementation of new user fees. We also maintain that the prolonged period of continuing resolutions funding the agency on short-term extensions has been harmful to the agency, its efforts to modernize the air traffic system, and to the aviation community as a whole. We applaud your leadership in making the FAA reauthorization a top priority in the 112th Congress.

EAA is particularly pleased with the Committee's decision to address policies of importance to EAA members such as funding of general aviation airports through the Airport Improvement Program, release of vintage aircraft design data in support of aviation safety, and permitting adjacent residential through-the-fence access to airports where appropriate. Above all, we are thrilled that the Committee agrees that the best way for general aviation to fund its share of FAA operations and capital investment is through the use of fuel taxes as opposed to new user fees.

Thank you for your efforts and EAA stands ready to assist you and your staff in any manner necessary.

Respectfully,

DOUGLAS C. MACNAIR.

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INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
*Fairfax, VA, March 29, 2011.*

Hon. JOHN L. MICA,
*Chairman, House Transportation and Infrastructure Committee, Washington, DC.*

Hon. NICK J. RAHALL II,
*Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.*

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, On behalf of its nearly 13,000 members, the International Association of Fire Chiefs (IAFC) would like to commend your leadership and efforts to improve aviation and, in particular, air medical transport safety.

The IAFC represents public safety agencies that provide the public with the highest level of service by delivering air medical transport or helicopter emergency medical services (HEMS), search and rescue, homeland security and wildfire suppression in an effective, efficient and safe manner. We appreciate the language in Section 311 of H.R. 658, the FAA Reauthorization and Reform Act of 2011, which demonstrates an understanding that public safety aviation operators operate a mixed fleet of aircraft that in some cases cannot be deemed ''civil aircraft'' due to its origin, type and configuration. We hope that this language remains clear through the legislative process so that public safety agencies performing HEMS operations utilizing agency owned and operated aircraft will not be harmed. In addition, the IAFC appreciates the provision in H.R. 658 which provides the FAA Administrator with the responsibility to ''conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.''

Although we believe additional language is needed in conference committee to clarify that the regulations on helicopter air ambulance operations applies to current part 135 certificate holders only and not to public safety agencies performing HEMS operations utilizing agency owned and operated aircraft, the IAFC supports the provisions related to the safety of air ambulance operations in H.R. 658, the FAA Reauthorization and Reform Act of 2011. Once again, the IAFC would like to thank you and your staffs for your ongoing efforts to effectively address the need to improve safety in the air medical transport industry.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
*President and Chairman of the Board.*

Mr. PAULSEN. Mr. Chair, I rise in strong support of the managers amendment.

Currently, the Department of Transportation is working on a rule that would require finished medical devices and other products containing lithium batteries to be shipped as hazardous cargo.

The rule would prevent medical devices, like this pacemakers, implantable defibrillators, and blood glucose monitors, from being shipped by air, until special packaging can be developed. We don't know when this would be developed.

These medical devices are heavily regulated by the Food and Drug Administration and undergo extensive testing to assure safety—including testing to ensure devices withstand the rigors of shipping.

If the DOT rule passes, it would severely disrupt the medical device industry's just-in-time delivery system, lead to bottlenecks in the supply chain, and prevent overnight or same-day shipping to patients all over the country even though these devices pose no demonstrable safety risk.

It is important to note that the rule wouldn't just negatively impact medical devices. It will also have a significant impact on shipping everyday technologies such as laptops and cell phones. All in all, the rule will cost more than a billion dollars annually.

The rule would have a devastating impact on patient access to life-saving medical devices and will increase health care costs. Thankfully, the managers amendment remedies this situation, and I applaud Chairman MICA for his work.

Mr. BUCSHON. Mr. Chair, I rise today in support of Chairman MICA's manager's amendment to the FAA Reauthorization and Reform Act of 2011.

Indiana is the second largest producer of medical devices in the country with 20,000 jobs in this industry.

There are 1,200 employees at a Boston Scientific plant in the town of Spencer, Indiana which is located in my district. These are Hoosiers who work hard every day to make components that are found in pacemakers. As a cardiothoracic surgeon, I implanted numerous pacemakers into patients that ended up saving their lives.

A recent rule proposed by the Obama Administration would restrict the method in which these pacemakers are shipped across the country because of the very small lithium battery they contain. This rule is expected to cost Boston Scientific $30 million and it is a cost that will be passed onto the consumer.

This is a device that is safe enough to put in the human body, but the Obama Administration does not believe that it's currently safe enough to ship across the country, specifically on an airplane. These restrictions will result in hospitals waiting longer to receive pacemakers and could put human lives in danger.

There is no evidence that the transport of lithium batteries has ever lead to a fire on an aircraft.

I fully support Chairman MICA's Manager's amendment which would require the shipping of lithium batteries to comply with international standards which have proven to be very safe and eliminate President Obama's proposed rule and I encourage my colleagues to support the Manager's Amendment.

Mr. BRALEY of Iowa. Mr. Chair, I rise in opposition to the Managers Amendment, because this amendment is an unprecedented attack on states. The amendment gives complete federal government control over air travel safety, by radically reducing a state's ability to protect its own citizens. Passengers, crew, ground workers, and others have no recourse under state law, under this amendment. For those concerned about an expansion of the federal government over ordinary activities of American citizens—this is it.

In fact, the amendment gives broad immunity to an entire industry, severely limiting every Americans' freedoms under the 7th amendment. The 7th amendment is intended as a check on potential abuse of power by the government. This amendment injects the government into courthouses and into juries. Blanket immunity to an entire industry is simply unprecedented.

Here's what this means: If you or your family gets injured or even killed in an airline accident, and it's even clear that airline safety professionals were completely negligent in their safety preparations, you have no recourse. In that situation, following events even as tragic as plane crashes, the United States Government simply leaves you and your family behind, contrary to your 7th Amendment rights under the Constitution. This type of immunity is completely inappropriate for crashes caused by the negligence of those charged with maintaining safety.

I believe that we should be working to improve air safety, not weaken it. We should fight to do whatever we can for families who face the terrible tragedy of plane crashes, not abandoning them. I oppose this amendment, because I stand with American travelers and American families, and I urge my colleagues to vote against this attack on the 7th Amendment to the Constitution.

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

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

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 Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–46.

Ms. WATERS. 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 29, after line 2, insert the following (and conform subsequent subsections accordingly):

(b) CONSULTATION WITH COMMUNITIES.—Section 47107(a) is amended—

(1) in paragraph (20) by striking ''and'' at the end;

(2) in paragraph (21) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(22) the airport owner or operator will consult on a regular basis regarding airport operations and the impact of such operations on the community with representatives of the community surrounding the airport, including—

''(A) residents who are impacted by airport noise and other airport operations; and

''(B) any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies the owner or operator of its desire to be consulted pursuant to this paragraph.''.

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

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my amendment requires airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult on a regular basis with representatives of the local community regarding airport operations and their impact on the community.

Airports and airport operations have a profound impact on the communities that surround them. Airplane takeoffs and landings can make noise that interrupts families in their homes and workers in their offices. Daytime takeoffs can interrupt school children who are trying to learn and teachers who are trying to teach. Nighttime takeoffs can make it difficult for local residents to sleep. Jet fuel emissions and other harmful pollutants contribute to air pollution, and traffic congestion surrounding an airport adds to the noise and to the pollution.

Needless to say, airports play an important role in our economy and our society. But airport operators should be good neighbors in their communities. Being a good neighbor simply means consulting with the local community regarding airport operations. It means minimizing the nighttime takeoffs and landings so that residents can sleep. It means assisting families with residential noise mitigation programs, such as retrofitting windows, doors, siding, and insulation, to help keep aircraft noise to a minimum. It means consulting with local residents and small businesses regarding plans to expand, upgrade or realign runways and other airport facilities, and listening to their concerns.

My amendment requires airport operators that receive Airport Improvement Program grants to consult on a regular basis regarding airport operations and their impact on the community. Airport operators would be required to include in these consultations local residents who are impacted by airport operations. Airport operators would specifically be required to include any organization, the membership of which includes at least 20 people who reside within 10 miles of the airport, that notifies the operator of its desire to be consulted.

This amendment is not overly burdensome for airports and does not cost money for the Federal Government. It merely requires airport operators to be good neighbors, and it holds them accountable to the communities that they serve.

Mr. Chairman and Members, I have one of the world's largest airports in my district—and they do a good job—but I'm constantly contacted by residents in the surrounding community who are raising questions about new plans, new operations, airport noise, and other kinds of things that, if the airport operators were in communication with the communities in some kind of formalized way, they would have a better understanding. It's not that these neighbors are saying they don't want these airports. As a matter of fact, we're pleased that they have LAX in our community. It is job-intensive, and we like the idea that the people who work there are able not only to earn a good living but to live in the community, and they contribute to the economy of the community.

We're simply talking about urging and encouraging a relationship where the airport operators share with the schools and with the residents what they're doing. Oftentimes, it would just make for a better understanding. It's not always controversial. It's not always confrontational. But it is shining a light on what is going on and getting people cooperating and understanding the operations of the airport.

With that, I yield back the balance of my time.

□ 1630

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

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

Mr. PETRI. I would like my colleague from California to know that we recognize that this is a very well-intended amendment and it is addressing a concern particularly with the tremendous airport in your area. You have a later amendment that deals with the same subject that we think is more workable and better.

The concern we have has to do with the fact that there are a number of provisions in law already requiring airports to consult with local communities in a variety of situations. And we're just afraid that this particular amendment could be more of a one-size-fits-all approach across the whole country that could create problems rather than solve them. Therefore, we're looking forward to working with you on amendment No. 32, but I do oppose the current amendment as being too broad.

Ms. WATERS. Will the gentleman yield?

Mr. PETRI. I yield to the gentlewoman from California.

Ms. WATERS. Do I understand that the other amendment that I have coming up that's more specific to Los Angeles is something that you would be more inclined to cooperate on rather than this amendment?

Mr. PETRI. Yes.

Ms. WATERS. Well, that's fine. Because I do know that this amendment that I'm offering is a national amendment that would cause all of the airports to come into compliance with this kind of cooperative amendment. And if, in fact, the gentleman is offering cooperation on the next amendment, I would withdraw this one.

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

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–46.

Mr. PIERLUISI. 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 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

**SEC. 143. PUERTO RICO MINIMUM GUARANTEE.**

Section 47114 is amended by adding at the end the following:

''(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO.—The Secretary shall apportion amounts for airports in Puerto Rico in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico from the discretionary fund under section 47115.''.

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

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, I offer this amendment to codify the method by which the Secretary of Transportation is to allocate annual formula grants to airports in Puerto Rico for capital development and planning. The amendment is simple and straightforward and serves to clarify current law. It ensures that, at a minimum, the Secretary will allocate formula grants under the Airport Improvement Program to airports in Puerto Rico no differently than the Secretary allocates such grants to other airports throughout the United States. The amendment also ensures that the Secretary will not be precluded for any reason from making project grants to airports in Puerto Rico from the discretionary fund under the Airport Improvement Program. And the amendment makes clear that formula grants and discretionary grants for airports in Puerto Rico should not be deemed mutually exclusive.

It is critical to note that the Airport Improvement Program is funded by a variety of user fees and fuel taxes, all of which apply in Puerto Rico. So there is no reasonable basis to treat Puerto Rico less than equally under the program, especially since aviation serves such a critical role on the island.

Puerto Rico is a non-contiguous U.S. jurisdiction, located over 1,000 flight miles from the nearest large hub airport in the national air transportation network. Accordingly, Puerto Rico is heavily dependent on safe and reliable air service to carry passengers and transport goods to and from the U.S. mainland. The island's main airport, the Luis Munoz Marin International Airport in San Juan, is ranked among the top 50 commercial service airports in the United States in terms of the number of passenger boardings, averaging over 4½ million boardings each year.

In addition to travel to and from the mainland United States, residents of Puerto Rico and visitors to the island rely on air service to travel to points within the main island of Puerto Rico and between the main island and the outer island municipalities of Vieques and Culebra.

Apart from San Juan International Airport, Puerto Rico is home to five other commercial service airports, located in Aguadilla, Ponce, Mayaguez, Isla Grande, and Vieques. And we have five other general aviation airports serving smaller communities. According to the FAA, approximately $285 million is needed over the next 5 years to bring Puerto Rico's airports up to current design standards, add capacity to meet projected needs, and to improve safety. My amendment simply ensures, Mr. Chairman, that Puerto Rico's public-use airports can access essential Federal funding on the same terms as airports elsewhere in the country.

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

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

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

Mr. MICA. Although I claim time in opposition, I am going to speak in support of this amendment.

I have the greatest respect for the delegate Congressman from Puerto Rico, also the highest esteem for Governor Fortuno, former delegate representative to this body, two great young leaders, and he's here today trying to ensure that Puerto Rico is treated like any other airport in the United States in terms of airport improvement programs. And I think his amendment clarifies that Puerto Rico also remains eligible for grants from the AIP discretionary fund.

I also know Mr. PIERLUISI is willing to work with me on his other amendment, which deals with essential air service. I had offered to work with other Members, and I will state for the record that I will work with him, and I am hoping that if he offers it, he'll withdraw it because I'm going to support this amendment. I think he has a good amendment here, and I would like to work with him on his other provision, but I would hope that he would work with us in that regard.

So this amendment simply provides clear direction to the FAA that Puerto Rico Airport should be treated equitably, and I will support this amendment at this time and urge a ''yes'' vote.

Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Florida has 3½ minutes remaining, and the gentleman from Puerto Rico has 2 minutes remaining.

Mr. MICA. I reserve the balance of my time. Maybe the gentleman has a little response to my support for his amendment.

Mr. PIERLUISI. I thank the gentleman from Florida, even though he rises in opposition. I'm pleased that as the chairman of the committee of jurisdiction, he's supporting this amendment.

So under these circumstances, I just ask him if he has any further speakers.

Mr. MICA. I do not. But I was hoping to hear that the gentleman from Puerto Rico would be willing to work with me on his other amendment. And I'm sure he will. But I still will support his amendment because I'm that kind of a guy.

I yield back the balance of my time.

Mr. PIERLUISI. I will simply say I will have some time to consider your offer to work with you on my other amendment, which is not now on the floor. But until then I simply urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–46.

Ms. HIRONO. 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 41, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

**SEC. 144. REDUCING APPORTIONMENTS.**

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of a charge of $3.00 or less—

''(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

''(B) in the case of a charge of more than $3.00—

''(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.''.

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

The Chair recognizes the gentlewoman from Hawaii.

□ 1640

Ms. HIRONO. Geographically, Hawaii is the world's most isolated archipelago. It is the only U.S. State made up completely of islands. There are four counties in Hawaii, all of which are separated by a body of water. Air travel is the fastest and most effective means of transportation between our islands. It is also the mode of transportation that we rely on most for moving goods and other cargo and even our daily mail.

The 15 airports operated by the Airports Division of the Hawaii Department of Transportation are responsible for maintaining safe and efficient facilities that accommodate approximately 25 million passengers a year. This is a tremendous responsibility and an ongoing challenge. It is because of the fundamental role that air travel plays in the day-to-day lives of the people of Hawaii and in the commerce of Hawaii that Congress saw fit to provide the State with an exemption from charging passenger facility fees, or PFCs, on interisland flights. These are the flights between our islands.

This exemption is important for Hawaii's residents. Without it, for many, the daily commute would be unduly burdensome. I know many people who live on O'ahu, for example, who commute to work on one of the other islands. It would be as if you, or if any of your constituents, got in your car to go to work and then had to pay $4.50, which is our PFC fee, just to leave your driveway and then have to pay another $4.50 upon your return.

While we greatly appreciate and seek to preserve this exemption, there have been unintended consequences with regard to its impact on Federal funds for Hawaii's airports. This is because of the way that PFCs impact the formula funding that is apportioned to each State under the Airport Improvement Program, or the AIP.

As my colleagues know, AIP grants are awarded to each State based on a formula. For airports that opt to collect PFCs, formula funds are cut by either 50 or 75 percent. This reduction depends on the amount charged. For airports that assess PFCs on 100 percent of their passengers, this arrangement works well. However, in the case of Hawaii, the two airports that collect PFCs only collect them on a portion of the passengers.

At our large hub airport in Honolulu, 38 percent of our passengers are interisland travelers. Interisland travelers also constitute 51 percent of the passengers served by our medium hub at Kahului Airport on Maui. Therefore, the $4.50 PFC being assessed at Honolulu is only being paid by 62 percent of its passengers. On Maui, that number is only 49 percent.

Based on the current formula, the Hawaii Department of Transportation calculates that the State is losing approximately $5.7 million this year in AIP formula entitlement funds. My amendment would change the formula under which Hawaii's PFCs and entitlements are calculated in order to correct this inequity.

I want to be clear to my colleagues: This amendment is intended only to ensure that Hawaii gets its full fair share under the AIP program. Hawaii's airports would still be subject to the same 75 percent reduction as any other airport charging a $4.50 PFC. The calculation would simply take into account the percentage of passengers traveling interisland and therefore not paying a PFC.

I also want to point out that this is not a windfall for the State or, in my view, an earmark. In fact, House rule XXI, clause 9(e), the definition for ''earmark,'' defines an ''earmark'' as essentially any member-requested Federal assistance to a targeted entity or locality ''other than through a statutory or administrative formula-driven or competitive award process.''

Mr. PETRI. Will the gentlewoman yield?

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

Mr. PETRI. We've reviewed your amendment. Based on the recommendation of the FAA, I think Chairman MICA and I are prepared to accept your amendment.

We would also ask, however, that you consider working with us on the amendment that you intend to offer later. It's in an area that is already within the FAA's jurisdiction where they're working but not as hard as you would like, and we think we could continue to work with you on that. But we would accept this amendment.

Ms. HIRONO. I want to thank Subcommittee Chair PETRI and Mr. MICA for accepting my amendment.

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

Ms. HIRONO. Thank you very much.

I do want to offer my other amendment, however.

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

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

Mr. MICA. I actually will support the amendment, but I wanted to give the gentlelady an additional minute to conclude if she had any remarks. As I said, we're very willing to work with her on her next amendment, and hope she would consider working with us. We will support this amendment.

I would like to yield, if I may, Mr. Chairman, as much time as she needs to finish her statement.

Ms. HIRONO. Thank you very much, Mr. Chair.

In view of the fact that you are in agreement with my amendment, if you would be so kind as to yield a minute of your time to my colleague, COLLEEN HANABUSA, so she may submit her remarks on this amendment.

Mr. MICA. Mr. Chairman, I am pleased to allow them to submit their remarks. We are taking the amendment, and I know she is going to work with us.

I would also be pleased to yield to our colleague from Hawaii.

Ms. HANABUSA. I thank the chairman of the Transportation and Infrastructure Committee for making this wonderful gesture.

I would like to thank Congresswoman HIRONO for offering this amendment in that it does address the unique nature of Hawaii.

Mr. Chairman, Hawaii's people have, really, only one way for commercial travel between our islands, and that is by way of air. So what this has done is it has leveled the playing field for us in terms of the ability to have our fair share of the airport improvements, because the best thing we can do is protect our consumers.

Thank you again for agreeing to the amendment, and thank you to Mazie for offering it.

Mr. MICA. Reclaiming my time, Mr. Chairman, I would like to submit these letters in support of the bill for the record, and unless the gentlelady needs more time, I am prepared to support this amendment that is pending.

AIR TRANSPORT ASSOCIATION,
*Washington, DC, February 23, 2011.*

Hon. JOHN MICA,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA: On behalf of the Air Transport Association, I am writing to thank you for your leadership and applaud your success as Chairman, House Transportation and Infrastructure Committee, in successfully obtaining the full Committee's approval of the Federal Aviation Administration Reauthorization and Reform Act of 2011 (H.R. 658). After 17 short-term extensions over many years, the vote can only be attributed to your extraordinary leadership, tenacious effort and decisive chairmanship.

America's airline industry knows how important this bill is to the Federal Aviation Administration and the nation. Certainly, H.R. 658 will move NextGen and other important programs forward at this crucial time, when the airline industry is still rebounding from this nation's devastating economic recession.

Finally, the Air Transport Association and our airline members stand ready to assist you and your very capable staff as you prepare to conference with the Senate. Please do not hesitate to contact me if I can provide additional support.

Sincerely,

NICHOLAS E. CALIO.

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AIR MEDICAL OPERATORS ASSOCIATION,
*Alexandria, VA, March 15, 2011.*

Hon. JOHN MICA,
*Chairman, House Transportation and Infrastructure Committee, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA: The Air Medical Operators Association (AMOA) is committed to providing the highest level of safety in air medical transport and the implementation of technology, procedures, and operating systems that will help ensure the continued safe and effective operation of these services. AMOA is also committed to enhancing current regulations to improve aviation safety and raise clinical standards, as well as promoting additional air medical transport as a life-saving health care intervention and a safe form of transportation.

The ''FAA Reauthorization and Reform Act of 2011'' (H.R. 658) includes key provisions that will advance the safety of air medical transportation:

Section 311 includes provisions that will support the Federal Aviation Administration's (FAA) rulemaking that is underway. AMOA strongly supports these provisions, which appropriately identify these safety issues as a key congressional priority while granting the FAA the flexibility to implement strong, effective rules. On January 10, 2011, the AMOA submitted its comments to the FAA on its Notice of Proposed Rulemaking on air ambulance safety issues. In our comments we stated: ''AMOA fully supports the FAA's intent in this rulemaking; air medical operators believe many of the requirements proposed . . . most of which we already are implementing, will enhance the safety of air medical transport operations across the air medical operating sector and enthusiastically support them.''

Section 311 also includes a provision to collect better data on air ambulance operations. AMOA strongly supports more comprehensive data collection on the industry and its operations, and we support the intent and thrust of the provision included in H.R. 658. We do have some concerns regarding the specific language as currently drafted, and would like to work with you and your staff to ensure that the provision leads to the effective and efficient collection of industry data.

Section 312 requires the FAA to ''conduct a review of off-airport, low-altitude aircraft weather observation technologies.'' Low-altitude weather observation and reporting infrastructure located outside of airports is a key tool to enhancing safety for air medical operations. Currently, less than 2,500 automated weather stations report reliable weather data for the surrounding 5 miles to the national database. Based on the area of the United States, that leaves 3,794,101 square miles of the U.S. without weather reporting. This lack of current weather data causes more than 7,000 aborted flights per year due to unknown weather conditions. AMOA strongly supports the inclusion of this provision in H.R. 658.

Section 313 requires the FAA to conduct ''a study on the feasibility of requiring pilots of helicopters providing air ambulance services . . . to use night vision goggles during nighttime operations.'' AMOA's member companies have been aggressively working to implement night vision goggles (NVG). Our member companies have now equipped more than 80% of their helicopters with NVGs. AMOA supports inclusion of this provision in H.R. 658.

As the House works to pass H.R. 658 and move to reconcile this legislation with the Senate-passed bill (S. 223), we would like to identify two issues of concern with that legislation:

Senate language would put a requirement for a terrain awareness device into law rather than in the Code of Federal Regulations; this Senate provision references a very narrow Technical Standard Order (TSO) for Helicopter Terrain Alert Warning Systems (HTAWS). The way that the provision is currently drafted, it could limit the ability of operators to enhance safety with more advanced equipment unless a change in law (not the applicable federal regulation) occurred. The rapid evolution of technology calls for specific technical standards to be set in agency regulations rather than locked in place in statute.

Senate language potentially creates a statutory requirement that air medical services abide by Federal Aviation Regulation (FAR) Part 135 whenever medical crew is onboard. Air medical services already conduct operations according to Part 135 flight and duty time requirements and weather minimums prescribed by Operations Specification A021—the highest of any aviation operator in the United States. Unintended by this Senate language is that by requiring adherence to Part 135 in statute, air medical operators would be required to abide by Part 135 even if the FAA decides to change the regulatory structure for air medical services by adding a new Part.

AMOA hopes to work with you and your Senate colleagues to address these issues in S. 223 before a final version of FAA reauthorization legislation is considered.

AMOA appreciates your leadership and hard work in moving an FAA reauthorization bill through the Transportation and Infrastructure Committee early in the 112th Congress. We strongly support the air medical safety provisions of the legislation and look forward to their enactment into law. AMOA also looks forward to working with you to perfect the data collection provision in H.R. 658.

Thank you for your efforts to enact strong FAA reauthorization legislation and for your work to help improve the safety of air medical operations.

Sincerely,

HOWARD RAGSDALE,
*President, AMOA.*
CHRISTOPHER EASTLEE,
*Managing Director, AMOA.*

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REGIONAL AIR CARGO CARRIERS ASSOCIATION.
*Plymouth, MA, March 16, 2011.*

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. THOMAS PETRI,
*Chairman, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. NICK J. RAHALL, II,
*Ranking Member, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. JERRY F. COSTELLO,
*Ranking Member, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MICA, CHAIRMAN PETRI, RANKING MEMBER RAHALL, AND RANKING MEMBER COSTELLO: Regional Air Cargo Carriers Association (RACCA) represents nearly 50 FAA-certificated air carriers and about 1,000 airplanes, engaged in transportation of high priority cargo chiefly to smaller communities throughout the United States and internationally.

We are greatly concerned about a measure which has been introduced by Congressmen Schiff, Sherman, and Berman, in another attempt to impose an overnight curfew at Burbank (Bop Hope Airport, BUR) and Van Nuys Airport (VNY), California. This legislation, the Valley-Wide NoiseRelief Act, would permit the cities of Burbank and Van Nuys, California to circumvent provisions of the Airport Noise and Capacity Act of 1990 (ANCA) and the FAA's ruling denying more recent requests for a curfew at BUR.

While RACCA members are more concerned about BUR, a curfew at either airport would significantly interfere with commerce and quite likely violate grant assurances to which those airports agreed when they accepted federal airport improvement funds.

At BUR, more than five million dollars were spent upon a Part 161 study submitted in May of 2009—the second one at this airport, attempting to impose a blanket nighttime curfew from 10 p.m. to 6 a.m. The Federal Aviation Administration in both cases concluded that the benefits of an overnight curfew did not balance the disadvantages. The proposed legislation makes a mockery of the Part 161 process, overrides the FAA's ability to regulate aviation in the United States, panders to a very limited—but vociferous—minority of constituents at the expense of the majority, and sets a precedent that would encourage other communities in similar situations to request similar curfews, with results which would reverberate at numerous other airports in the country—resulting in unreasonable access restrictions and abandonment of use agreements intended to make these important public utilities reasonably accessible to the public as a whole.

In short, this politically motivated proposal covers ground which has previously been explored, studied, and analyzed ad infinitum—with the same conclusion: Overnight curfews at BUR and VNY are not in the overall public interest. We therefore respectfully urge you to reject this proposal when it comes before you.

Sincerely,

STANLEY L. BERNSTEIN,
*President.*

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ALASKA AIRLINES,
*Seattle, WA, March 24, 2011.*

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. THOMAS E. PETRI,
*Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. NICK J. RAHALL,
*Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*
Hon. JERRY F. COSTELLO,
*Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMEN MICA AND PETRI AND RANKING MEMBERS RAHALL AND COSTELLO: On behalf of Alaska Airlines, thank you for your leadership in moving an FAA reauthorization bill out of the Transportation and Infrastructure Committee. As you prepare to bring this bill to the House floor, we request your consideration of our views, as outlined in this letter, regarding expanding access to Reagan National Airport (DCA). As a new entrant/limited incumbent air carrier, holding just three roundtrip flights (six beyond-perimeter slot exemptions) at DCA, we believe it is important that any legislative changes to the perimeter rule promote fair competition at the airport.

Alaska Airlines supports the DCA Perimeter Rule language contained in section 423 of the FAA Reauthorization and Modernization Act of 2011 (H.R.658). This proposal creates a small pool of beyond-perimeter slot exemptions (10 slot exemptions/5 roundtrips), to be redistributed from non-peak hours to peak hours, with a scheduling priority given to new entrant/limited incumbent carriers. This language continues precedent established in the prior two FAA reauthorization bills, AIR–21 and VISION–100, and represents an equitable means by which any carrier, regardless of its size at DCA, can apply to the Department of Transportation for a beyond-perimeter route. Also, this language recognizes the importance of facilitating new entrant/limited incumbent access to DCA, during commercially viable slot times, in order to enhance competition at the airport and, in turn, provide better fares and greater value for the traveling public. For example,

the entry of Alaska Airlines' SEA and LAX service to DCA was the major driver of an 11% and 14% fare decline, respectively, in the SEA-WAS and LAX-WAS markets. In the first year of entry in these two DCA markets, Alaska's lower DCA fares forced other carriers in these same markets to reduce their fares, producing an aggregate consumer fare savings in excess of $25 million. Even more significantly, substantial fare savings continue today because, unlike most other carriers, Alaska Airlines does not charge a fare premium for DCA versus IAD (Dulles) service.

Alaska Airlines opposes elimination of the DCA Perimeter Rule. By definition, only carriers holding within-perimeter slots can take advantage of such a concept. Similarly, we oppose any form of slot conversion, i.e. converting within-perimeter slot exemptions for beyond-perimeter use. Under either an elimination or slot conversion scenario, the large within-perimeter slot holders receive a huge competitive windfall, to the detriment of new entrant/limited incumbent competition and the lower fares such competition promotes.

In conclusion, we support Section 423 of H.R. 658 regarding flight operations at Reagan National Airport and oppose any changes to it that allow for elimination of the Perimeter Rule or slot conversion. In order to promote the public interest of lower fares and the pro-consumer market dynamics created by robust competition, new entrant/limited incumbent access to DCA must be enhanced.

Thank you for your consideration of our views.

Sincerely,

BILL AYER.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NEUGEBAUER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–46.

Mr. NEUGEBAUER. 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:

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and redesignate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 2___. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.**

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

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

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. I want to thank Chairman MICA, Chairman HALL, and Congressman GRAVES for their support of this amendment. I appreciate the work of the Transportation and Infrastructure Committee and of various stakeholder groups that have helped throughout this amendment process.

Mr. Chairman, in recent years, our lives and our world have changed. We have a much more digital world today, and we have a lot more towers that provide us cell service and Internet service. We have the new industry of wind energy that is basically taking over a big part of my district. So, over the countryside, the landscape has changed. We have a lot of new towers, windmills, wind turbines, and all sorts of things that are beneficial to our economy but that also provide a certain amount of hazard for those people in the aviation industry.

In recent years, we've had a number of fatalities due to low-flying aviators who didn't know the existence of one of these obstacles, so this amendment really does a commonsense thing: It would direct the FAA to conduct a study of how we can put together a database of where these new obstacles are, giving their GPS locations and allowing people who are going to be flying in that area or utilizing that area to access that information. For planning purposes, it would also provide an opportunity for new infrastructure in those areas.

□ 1650

So we really think that this is a very commonsense amendment, provides for safety, and that this study hopefully will yield some very positive results that will be beneficial to the aviation industry.

With that, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition to the amendment offered by the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairman MICA and Ranking Member RAHALL for their work in bringing this bill to the floor. I think the aviation community deserves a long-term aviation bill so they can plan for the future needs of the traveling public. We have had 18 extensions already, and it is time for the House and the Senate to find a compromise and send a bill to the President.

Sadly, we're missing a great opportunity to invest in our airports, allowing them to prepare for the expected growth in air traffic and put people to work improving our aviation infrastructure. Without additional PFC revenues and AMT relief, airports will have little capital to invest in their facilities. We keep talking about creating jobs and rebuilding the economy, but we don't do anything about it.

My home State of Florida relies on air service to support our tourism-based economy. We have 20 primary airports, 22 reliever airports, and 57 general aviation airports, with our top three airports alone generating nearly 45 million enplanements a year. These airports create jobs and help grow the economy, and we're not going to get out of the recession we're in by starving our airports of funds for our infrastructure.

This bill does address an important issue in my district by preserving access to the Military Airport Program, MAP. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully transform former military airfields to commercial service that in turn help strengthen the Nation's aviation system. In the case of Cecil Field, continuing to include uses by the Air National Guard and Reserve units makes this a win-win for the community and for the military. And I want to add that we have more landings now than we did before we turned the facility over.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typical and needed for successful civilian conversion such as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

I know this bill still has a long way to go in the process, so I hope we can make improvements as we move to conference.

I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I just rise in strong support of the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

He has worked with the committee in drafting this amendment, done an excellent job, and we also have the support of FAA on this amendment.

I ask everyone to join in passage of this well-crafted amendment.

Mr. NEUGEBAUER. It is also my pleasure now to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise in support of this amendment as well. With off-the-shelf available technology, this type of mapping can be done at little or no cost, increasing safety to aviation, especially those involved in rural aviation like crop dusters and the like.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the chairman of the House Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Chairman, I want to rise in very strong support of the gentleman's amendment.

Having flown for over 20 years, I've had firsthand experience with low altitude or low-level obstacles that are out there. I had to make some last-minute corrections just to avoid them. If we had some way to understand where those obstacles are, a very simple method, it would greatly improve safety.

Just in the crop duster world alone, we've had nine deaths in the last 10 years from obstacles that are unmarked, unlighted, and we don't have any idea where they are.

I would very much be in support of this amendment. I thank the gentleman for offering it.

Mr. NEUGEBAUER. I just would close by saying this is a very commonsense amendment. I think it uses the technology of today to bring air safety to our country, and I would encourage all Members to support this amendment.

Mr. HALL. Mr. Chair, I rise in support of Mr. NEUGEBAUER's amendment directing the FAA to carry out a feasibility study on using the internet as an information resource for pilots to locate difficult-to-see obstructions such as guy-wires and free-standing towers.

As a Navy pilot during World War II, I had firsthand experience flying fast and low, and while the prevalence of towers then does not compare to the number that exist today, it still created a lot of uncertainty to fly low without being fully aware of potential obstructions.

There are many active pilots today who make their living flying aircraft at very low altitudes, such as crop dusters, who could make excellent use of such a database.

Mr. NEUGEBAUER's amendment would be a good first step, simply asking the FAA to study whether or not an internet-based source of up-to-date information on obstructions and towers makes good sense.

I support his amendment and ask all Members to support it as well.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–46.

Mr. LOBIONDO. 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 106, after line 5, insert the following (and conform the table of contents accordingly):

**SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist the establishment of a center of excellence for the research and development of NextGen technologies.

(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

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

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I would like to start by thanking Chairman MICA. I'd like to also thank Mr. PETRI and Mr. COSTELLO.

This is a very simple amendment. It allows the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The center would leverage the FAA's existing Centers of Excellence Program, a program that relies on university partnerships to address ongoing FAA research and development challenges.

The NextGen Research and Development Center of Excellence would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen. In essence, it would be a force multiplier.

NextGen is a complete revamping of our National Airspace System from the current radar-based system to a state-of-the-art satellite, or GPS-based, technology. Once fully implemented, NextGen will provide a host of benefits for the more precise tracking of aircraft, fuel savings, and noise reduction. As a result, the entire aviation community would be benefited, as would the Nation.

I believe the Centers of Excellence model could be extremely beneficial to the FAA's NextGen efforts. Centers of Excellence allow the FAA to partner with universities and industry on important aviation research issues. Since 1990, 8 Centers of Excellence have been formed with more than 60 university partners and over 200 industry and government affiliates.

These Centers have fueled innovative research in a variety of areas such as noise and emissions mitigation, airworthiness, and the use of advanced materials.

I believe the FAA would benefit by applying the Centers of Excellence model to the challenges of NextGen. My amendment would give the FAA the authority to move in this direction.

I urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin, the chairman of the subcommittee.

Mr. PETRI. I thank my colleague from New Jersey (Mr. LOBIONDO).

I rise in support of this amendment, and I know the chairman of the full committee has looked at it and supports it as well. It gives the FAA administrator the ability to designate a NextGen center on a competitive basis, and it would be a good and needed resource for the FAA; and, therefore, I would urge a ''yes'' vote on the amendment.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

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

Mr. COSTELLO. Mr. Chairman, we support the gentleman's amendment.

This is a provision that was contained in the FAA bill that was passed, H.R. 915 and H.R. 1586, that passed this Congress with bipartisan support. We strongly support the gentleman's amendment and ask our colleagues to support it as well.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–46.

Mr. GARRETT. 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 106, after line 5, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on additional alternatives to reduce delays at the 4 airports considered under the New York/New Jersey/Philadelphia Metropolitan Redesign Record of Decision, published September 5, 2007, by the Administration.

(2) CONTENTS.—In conducting the study, the Administrator shall determine—

(A) the effect on flight delays of the overscheduling of flights by air carriers; and

(B) whether or not altering the size of aircraft used by air carriers would reduce flight delays.

(3) REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under paragraph (1).

(d) PROHIBITION.—The Administrator may not continue with the implementation of the preferred alternative for the New York/New

Jersey/Philadelphia Metropolitan Area Airspace Redesign until after the last day of the 60-day period beginning on the date the Administrator submits the report required under subsection (c)(3).

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

The Chair recognizes the gentleman from New Jersey.

□ 1700

Mr. GARRETT. Mr. Chair, I urge my colleagues to support the Garrett-Himes-Andrews-Engel amendment. In it, the FAA's New York/New Jersey/Philadelphia airspace redesign plan would redirect thousands of flights per year over the houses of many of my constituents and, actually, the constituents of the other sponsors of the bill as well. In looking at this, we realize this has a very real and negative impact on the region, including a possible decrease in home values.

The new flight patterns, which would be considered here, over the region should not be implemented until a thorough study of alternatives is actually presented to Congress. This amendment prohibits the FAA from continuing implementation of the airspace redesign until it has conducted a study on alternative designs to reduce delays at the four airports considered in the redesign.

Finally, it is imperative that the FAA consider the concerns of the people that are and have been afflicted by this action.

I urge my colleagues to vote ''yes'' on this amendment.

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. Mr. Chairman, I have the greatest respect for the gentleman from New Jersey, and I understand his predicament. He has been one of the strongest advocates for his district on some of the potential problems that might arise from airspace redesign. I had the opportunity to travel to the gentleman's district to meet with his constituents. We have raised great concerns about the New York airspace redesign.

Now, this does put in place another study of the airspace redesign, and, unfortunately, it delays the implementation of airspace redesign in the Northeast corridor, in that New York airspace, until that's complete. So that is why I have to oppose this.

I will work with the gentleman in trying to make certain that FAA treats them fairly and that there are hearings. We have had 120 hearings. I have been in every jurisdiction from Pennsylvania, Philadelphia, all the way up into Connecticut, which is part of the New York airspace, in hearings and public meetings. There have been over 120 FAA meetings. This has been drug through the courts. There were suits, and they were all consolidated. The issues, again, were resolved, and FAA should go forward with airspace redesign and continue to address the concerns of the gentleman.

Why is this important to everyone here? Because more than 70 percent of the chronically delayed flights around the United States start in the New York airspace. That means when New York goes down, the whole country starts going down.

Now, you have got to understand that this battle has been going on for nearly two decades, in and out of court, and fights and everything for the redesign. So what we're left with is a corridor for airspace that is sort of like having U.S. 1 going into New York City 20 or 30 years ago and not expanding or revising the capacity. So that's why we have this situation. That's why I strongly urge not the adoption of this.

I am willing to work with the gentlemen to try to, again, make certain that their concerns are taken into consideration. We do have quieter aircraft. I don't want him, his constituents, or any of the others in the New York airspace to suffer. But this has to come to a conclusion.

Again, it affects everyone in the House of Representatives because more than 70 percent of our chronically delayed flights start in this area, and we have not been able to resolve this question.

I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I rise in strong support of the Garrett-Himes-Andrews-Engel amendment.

This amendment will require the Federal Aviation Administration to study alternatives for the New York/New Jersey/Philadelphia airspace redesign. It will also prohibit the FAA from continuing with the implementation of the airspace redesign until the new study is submitted to Congress.

I have to take issue with what my friend, the chairman, said before. We have not found that there were hearings for this. They have been trying to jam this through and want fewer and fewer people to know about it. I forced them to come into my district; but until that happened, they didn't want any kind of input from the community.

I have opposed this airspace redesign from day one, and have fought its implementation every step of the way. Time and time again, the FAA has pursued the airspace redesign while ignoring the concerns of my constituents in Rockland County, New York. This plan will only save minutes on flight time, but it will disrupt the lives of thousands of residents in my district who live under the new flight path. As my constituents noted to me, the noise and air pollution in the area will increase. It's unknown how this increase in air pollution will affect the disproportionate rate of childhood asthma in my district.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this plan, and I encourage my colleagues to support this amendment that would require the FAA to take them into consideration.

We now learn that not only planes landing into Newark would fly over my constituents, but planes taking off from Kennedy as well. This is a double whammy. It's not fair.

So I commend Mr. GARRETT. I support this amendment, and I will continue to oppose the FAA reauthorization until the FAA halts and revises the airspace design and reports to Congress. After all, we are the ones that report to the people. FAA should report to us.

Mr. GARRETT. I yield 1½ minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I thank my good friend from New Jersey for yielding.

Mr. Chair, I rise today in support of the amendment at the desk. This amendment addresses the FAA's redesign of the airspace over New York, New Jersey, and Philadelphia with noble motives to actually improve our air travel. But the fact of the matter is that the redesign was badly implemented from the start and used flawed procedures. Plans for this redesign have moved forward without proper and appropriate input from stakeholders and without regard to the parties who are most affected, notably, many of our constituents.

As planes have been rerouted to fly over southwestern Connecticut upon descent into New York's airports, my constituents have begun experiencing unnecessary and unprecedented noise levels. A day does not go by that I don't hear this concern from my constituents.

I have joined with my colleagues in a bipartisan effort to call upon the FAA to simply study alternatives. We know that there are good alternatives. This should be done prudently and carefully. Families who have moved to my district to find a quiet refuge are now faced with the prospect of daily disturbances. Alternatives must be considered before any more action is taken.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. MICA. Again, I have to say that I have the greatest respect for the gentlemen from New Jersey, Mr. GARRETT and Mr. ANDREWS, and the gentleman from New York. They all do have interests here, and they are trying to protect them. They are concerned about noise with the New York airspace redesign. But, again, this has been going on for two decades.

We have a very narrow corridor. We do need to redesign it. We have safety questions now. We have chronic delays, and 70 percent of them emanate from New York. They start in the New York airspace, and then they ripple across the country. So 70 percent of the Members are impacted by this particular provision.

I appreciate their concern in asking for an additional study, but what they do in the provisions they have offered is delay implementation. We have just finished numerous court cases, which were consolidated, which ruled against those in question. I know it's difficult, but we've got to get this done.

Again, I so much appreciate their looking out for their constituents, stating their concern and expressing in every way possible. I will continue to work with them and make certain that there is fairness to the implementation and whatever they adopt does not disturb or unduly cause distress for their constituents. That's all I can do. But I do have to oppose this amendment in the interest of the committee, the country, and the other Members.

I yield back the balance of my time.

□ 1710

Mr. GARRETT. Just to conclude then, Mr. Chairman, the FAA's airspace redesign plan has not been responsive, as referred to on the floor, to the concerns of our constituents, and it's not been comprehensive.

Secondly, redesigning airspace would have little effect on delays while alternatives are considered.

Finally, I ask the consideration of this bipartisan support to conduct a study on alternative designs. I encourage support for this amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. MURPHY of Pennsylvania). The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

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

Mr. GARRETT. 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 Jersey will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 112–46.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–46.

Mr. DEFAZIO. 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 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.**

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

**"§ 44734. Employee criminal history record checks in domestic and foreign repair stations**

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to require each repair station that—

''(1) is certificated by the Administrator under part 145 of such title 14; and

''(2) performs work on air carrier aircraft or components, to complete a criminal history record check with respect to any individual who performs a safety-sensitive function at such repair station.

''(b) DEFINITIONS.—In subsection (a), the following definitions apply:

''(1) INDIVIDUAL.—The term 'individual' includes an individual working at a repair station of a third party with which an air carrier contracts to perform work on air carrier aircraft or components.

''(2) CRIMINAL HISTORY RECORD CHECK.—The term 'criminal history record check' means an investigation to ascertain an individual's history of criminal convictions, conducted—

''(A) in a manner consistent with criminal history record checks carried out under section 44936; and

''(B) in accordance with the applicable laws of the country in which a repair station is located.

''(c) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement titled 'Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine, through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44734. Employee criminal history record checks in domestic and foreign repair stations.''.

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

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, my amendment is quite simple. It would require criminal background checks of mechanics at contract aircraft repair stations, both those domestically and those overseas.

Now, the current law requires that people who repair aircraft at airports undergo criminal background checks that are quite extensive because there's a concern that they have access to airplanes, that we want to know who they are, we want to be sure they don't have a criminal background, and they can be denied employment for a large range of former felonies or problems, let alone any affiliation with terrorist groups.

Not so at domestic contract repair stations or foreign contract repair stations. The employees there undergo no criminal background checks, or only criminal background checks at the discretion of the employer. They can be certified to do the most critical decheck work, overhauls on airplanes.

Now, just think about it. As John Pistole recently said, he's the head of the Transportation Security Administration, ''For more than two decades al Qaeda and other terrorist organizations have sought to do harm to this country. Many of their plots against the United States have focused on the aviation system. It is clear that terrorist intent to strike at American targets has not diminished.''

Yet we're not doing criminal and security background checks of people who have access to the innards of the plane. They could replace one critical component, a bolt that holds on an engine with one that looks like the real bolt but is actually fake and designed to fail. That could easily happen, and yet we are not requiring that they have background checks.

Well, why are we requiring it at airports? If it's so critical a mechanic who can access a plane at the airport, why isn't it critical for people who can get deep inside a plane in an overhaul, overseas, far, far away from any prospective oversight by the TSA or the FAA?

Now, some would say, well, the Transportation Security Administration, rather belatedly, 7 years after the fact, is working on a rule that will require them to adopt general procedures for security, but it will not require criminal or terrorist background checks. They will verify background information through confirmation of prior employment. Yes, I used to work for Osama bin Laden. You can call him. Here's his number. But now I don't work there anymore, and I'm here.

This is, I think, a commonsense amendment. Now, the industry can say, oh, this will drive up the cost of repairs. Come on, it's 60 bucks to do a TSA background check. $60. Now, don't you think it's worth $60, and is that going to drive contract repair stations in the U.S. or overseas out of business if they have to confirm that their employees are not criminals or are not terrorists? I don't think so.

I urge support of the amendment, and 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. Mr. Chairman, I do appreciate the intent of the gentleman who is the distinguished ranking member, former chair of the Aviation Subcommittee, but I think that the

crafting of this amendment is somewhat flawed in that he does now require FAA to take their limited resources. FAA is not a security agency. It's an aviation agency. And again, we have a jurisdictional question here. We can't put in provisions that require TSA to do certain things, but that is their responsibility.

I understand this is also already done where the repair station is at the airport. TSA is in the process of promulgating a rule to address repair station security. But it, appropriately, is in their realm, not FAA. And we do get into trouble in trying to carry out some of these missions when we go to agencies that really this is not their responsibility, their charter under Congress.

Again, I think the gentleman's intent is good, but it's misapplied. So with that, I have to oppose the amendment as crafted. I'd be willing to work with him. There is a possibility of working with him, I think, and getting it right.

I think his intention is good, but the assignment is misplaced, and it would cause more problems the way it's crafted than benefit.

I reserve the balance of my time.

Mr. DEFAZIO. May I request the balance of time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 2 minutes. The gentleman from Florida has 3 minutes.

Mr. DEFAZIO. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO), the ranking member of the subcommittee.

Mr. COSTELLO. I rise in support of the gentleman's amendment. The amendment is very clear. It's simple. It's to the point. It requires the FAA, when certificating a repair station, whether domestic or foreign, to make sure that the repair station carries out a consistent screening of its employees for criminal records. I mean, it is very clear. It is to the point.

The amendment complies with all of our obligations under international law, and the amendment will move the FAA forward in creating one level of safety, both for domestic and international repair stations.

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

I believe the gentleman's intention is good. The problem I have is with the crafting of the amendment. Now, heaven knows that there's probably been no one that's more critical of TSA. I helped create it along, actually, with Mr. DEFAZIO back in 2001. They have a lot of important responsibilities. One of them is clearly defined as aviation security, and it should be in repair stations.

Quite frankly, I am concerned about beefing up some of that, getting some of the 3,700 bureaucrats that work and earn on average $105,000, just within miles of here, relocated to where they can do their security function at a place that does pose risk, and that's some of these foreign locations. But this doesn't do the job. It complicates the assignment we have for FAA. And TSA is in a rulemaking process to address this responsibility, which is appropriately located within the purview of, and again, the jurisdiction of TSA. So I, again, oppose the opposition, will work with the gentleman.

I yield back the balance of my time.

□ 1720

Mr. DEFAZIO. I yield myself such time as I may consume.

I appreciate the chairman, and I have worked together with him well and will continue to do that in the future. But we have got to differ on this.

The TSA is not considering requiring criminal terrorist background checks as a requirement for overseas repair stations. I think that is an unbelievable loophole that should send shudders down the spine of anybody who flies planes that are being totally overhauled overseas.

And all this does—it is very simple. It doesn't require anybody from the FAA to do anything. It just says if a repair station is to be certificated by the FAA, the repair station, not the FAA, will have to perform background checks on its mechanics. It is as simple as that. Any mechanic at an airport has to undergo these background checks. They cost $60. How about having the contract repair stations do the same thing?

Do you want a terrorist who is off the airport property to be working on an airplane critical component? Do you want a terrorist who is overseas working under very little supervision, none by the U.S., to have access to the most critical components of a plane?

The gentleman is an expert on aviation, and he knows you can take a critical component—and these are problems we have all the time—like a bolt that holds on an engine. We are trying to keep them out of the supply chain, because you can make one for $3 that looks real but it will break, but a real bolt costs $10,000. So they could easily substitute parts designed to fail in critical components when a plane has had an overhaul overseas.

I urge adoption of this commonsense amendment. Let's not have the al Qaeda Full Employment Act.

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

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

Mr. DEFAZIO. 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 Oregon will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–46.

Ms. HIRONO. 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 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. COCKPIT SMOKE PREVENTION.**

(a) AVIATION RULEMAKING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to make recommendations to the Administrator to ensure that any aircraft certified by the Administrator is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit of the aircraft.

(b) COMPOSITION.—The aviation rulemaking committee shall be composed of subject matter experts, aviation labor representatives, and industry stakeholders.

(c) DEADLINE FOR RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the aviation rulemaking committee shall submit to the Administrator a report containing the committee's findings and recommendations for regulatory action.

(d) REPORT TO CONGRESS.—Not later than 60 days following the date of receipt of the committee's report under subsection (c), the Administrator shall submit to Congress a report on—

(1) the recommendations of the aviation rulemaking committee; and

(2) the actions that will be undertaken by the Administrator as a result of those recommendations.

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

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. I rise to speak in favor of this amendment, and I certainly appreciate the opportunity to speak on this amendment.

The basic idea of this amendment is to ensure the safety of the traveling public and those whose job it is to get them safely to their destinations, and my amendment has to do with smoke in the cockpit.

I do note that the FAA reauthorization bill that is under consideration today already acknowledges the concern about smoke in the cockpit, because it requires the GAO to study what the FAA has done to address smoke in the cockpit. So my bill takes this concern to a more focused level by establishing an aviation rulemaking committee, an ARC, made up of representatives from aviation labor, industry, and other experts.

Their task would be to carefully examine and provide regulatory recommendations on the issue of cockpit smoke. This advisory committee will not cost the taxpayers any money, and this amendment does not mandate rulemaking. The administrator of the FAA would then review the recommendations, and report to Congress on the steps that he or she will take to address them.

The problem of smoke in the cockpit is not new. In fact, my colleague from Hawaii, Senator INOUYE, introduced

legislation to address this matter as long ago as 1993. And I want to note his introductory remarks on the bill because, 20 years later, we still have not adequately addressed this problem.

In introducing his legislation in 1993, he said, ''My colleagues will be troubled to learn that over the last 20 years there have been a dozen accidents on commercial aircraft in which dense continuous smoke in the airline cockpit may have been a factor. In these accidents, over 850 people have died.''

That was in 1993. Almost another 20 years has passed. Since then, even more lives have been lost in accidents where cockpit smoke was the cause or a factor.

Some will say that, while tragic, incidents such as these are rare and that there are already procedures in place to avoid them. Fortunately, yes, incidents that end in death are rare. However, I believe the available evidence tells a different story about the number of times when smoke in the cockpit comes about.

According to a more recent report, the FAA's Information for Operators Bulletin released October 6, 2010, the FAA noted that they receive over 900 reports a year of smoke or fumes in the cabin or cockpit. An average of 900 incidents in 365 days does not seem to me to be a rare occurrence.

I believe that our national response to this issue has been inadequate. We need a comprehensive, up-to-date analysis of the issue and real-action next steps to protect our pilots and passengers. Therefore, I believe that my amendment is reasonable, logical, does not cost money, and it takes us toward resolving this issue. I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chair, I rise in opposition to the amendment.

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

Mr. PETRI. I understand the intent behind the amendment. We have checked with the people we as citizens pay at the FAA to develop expertise in this area, and they advise us that current safety standards are sufficient to meet the risk posed by cockpit smoke. According to our contacts, the FAA additionally believes that the existing performance-based standards for cockpit ventilation effectively eliminate the unsafe conditions associated with smoke in the flight deck.

Their current regulations require manufacturers to demonstrate that continuously generated cockpit smoke can be evacuated within 3 minutes to levels such that the residual smoke does not distract the flight crew or interfere with flight operations.

So on that basis, we oppose and urge the membership to join us in opposing this amendment.

I reserve the balance of my time.

Ms. HIRONO. I again note that the underlying FAA reauthorization bill that we are contemplating tonight acknowledges this concern by asking the DOA to assess what the FAA has done in this area. So, to me, that says that this is an ongoing concern that is acknowledged in the underlying bill.

In addition, I would like to note that there are any number of private airlines that already have these kinds of systems that I am talking about in my amendment in their fleets. For example, Jet Blue has these systems, UPS. And on the Federal side, I think it is really interesting to note that the FAA's VIP fleet has this kind of system in its cockpits to make sure that their pilots can see when there is continuous dense smoke in the cockpit.

So, again, I urge my colleagues to support this amendment as being reasonable and taking us to the next steps to address this issue.

I reserve the balance of my time.

Mr. PETRI. I would just repeat, current requirements of the FAA require that smoke be evacuated from a flight deck within 3 minutes. And the feeling of the FAA is that resources can best be utilized to focus on the risk that generates the smoke rather than the smoke itself, and on getting the smoke out of the way rather than the approach that is being urged by this amendment. So I continue to recommend opposition.

I reserve the balance of my time.

Ms. HIRONO. I would like to close by reiterating once again that I think it is interesting that the FAA chooses to focus on the causes of cockpit smoke. Frankly, if there is smoke in the cockpit, I don't know that we need to be focusing that much on what causes the smoke. Of course that is important. But at the same time, what I care about on behalf of the pilot and the flying public is, what can we do. What systems are already available, what technology is already available, being used, I might say, extensively by the private sector as well as in government airplanes, that would ensure the safety of our pilots and flying public? This is why I continue to press the adoption of my amendment.

I yield back the balance of my time.

□ 1730

Mr. PETRI. Mr. Chairman, I would just reiterate that according to the information provided to the committee by the FAA, no accidents or catastrophic events have been tied solely to the presence of smoke in the flight deck. An analysis of accident data for the last 15 years shows that the equipment that would be required by this amendment would not have reduced fatal accidents. Therefore, I urge that we listen to the experts, keep our focus on eliminating the cause of the smoke, and not adopt the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

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

Ms. HIRONO. 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 gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112–46.

Ms. JACKSON LEE of Texas. 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 138, after line 9, insert the following (and conform the table of contents accordingly):

**SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROLLERS.**

(a) IN GENERAL.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, at a covered airport, not fewer than 3 air traffic controllers are on duty at all times during periods of airfield operations.

(b) COVERED AIRPORT.—In this section, the term ''covered airport'' means the 20 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available.

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

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, at the end of debate, I intend to ask unanimous consent to withdraw my amendment.

First of all, let me indicate to my colleagues the importance of this issue. I served as the chairperson of the Transportation Security Committee on Homeland Security and I now serve as the ranking member, so I have lived through these issues of security for a very long time. From the tragic moments of 9/11 and the organization of our Homeland Security Committee as a select committee, and then the final committee, I have been involved in these issues. So my intent is to discuss why this is an important safety issue and an important security issue.

Again, it is to recognize that our air traffic controllers are really our first responders. It is important to note that air traffic controllers are in rural airports, in small airports, and in our major airports. My amendment would specifically speak to the busiest airports, those airports that could document on an annual basis the amount of passengers at that airport, such as Bush Intercontinental Airport in Houston, Texas, that is number eight.

Commercial aircraft, for example, always have at least two pilots for long hauls. Sometimes there are three for long hauls. Why would we not have the same standards for air traffic controllers? I believe it is important to ensure

the safety of the American public. There are notorious incidents that involve pilot fatigue, but there are also incidents that reflect upon the lack of air traffic controllers.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty, in particular, overnight at the National Airport. And I want to make the point that we are not demonizing air traffic controllers, because if you know the story, you know the individual that fell asleep had been on duty for three nights in a row. The Secretary's action evidences that there is no current mandate for multiple air traffic controllers.

There is legislation in the Senate and there is language in the House bill that deals with the study. I frankly believe that we should have a more firm assessment, having a minimum of three, and at least two air traffic controllers to address this question.

Why do I say that? The National Air Traffic Controllers Association and their president have indicated one-person shifts are unsafe, period. The most horrifying proof of this, of course, came on August 27, 2006. In addition, it has been in the air traffic controllers' mission to have at least two people on staff or as air traffic controllers for most of their existence.

So I stand today saying that it is important that we have trained air traffic controllers. They are called certified professional controllers. But in the top 20 airports, I must ask the question: Why do we have a structure that doesn't require minimally three, at least two, and at least, if you will, would have the individual there at all times who has not been on duty for three nights in a row?

I think that this is an important step, and I would ask my colleagues to work with me as we go forward to ensure the safety and security of the Nation's skies. We are all working together, and I look forward prospectively to looking at legislation, long-term, that addresses this issue of safety and security in the Nation's air traffic control towers. They are our public servants.

Mr. Chair, my amendment calls for staffing minimums of no fewer than three air traffic controllers on duty during the period of airfield operations at the 20 busiest airports in the country.

We have all heard about the air traffic Supervisor who reportedly fell asleep on the job last week, forcing two airliners carrying more than 150 passengers and crew to land without direction at National Airport.

It is a blessing that the pilots had the wherewithal to handle the situation safely, securely, and without incident, but this has highlighted a serious safety and security issue in our aviation system.

Although the Supervisor at National Airport was certified to perform air traffic control, the fact that a Supervisor for the FAA who is responsible for managing air traffic controllers was working alone without any frontline air traffic controller(s) on duty, is shocking in itself. What is more shocking is that this was his fourth 10 p.m. to 6 a.m. shift in a row, according to USA Today.

This is not the first incident at National Airport, where a traffic control tower was left unmanned for an extended period of time.

The vast majority of air traffic controllers are hard working dedicated individuals. 365 days a year, air traffic controllers ensure that we have the safest aviation system in the world.

But Mr. Chair, we are all human and mishaps occur, which is why in the aviation system we use multiple layers and duplication to ensure for the safety of the public and the crew.

Commercial aircraft always have at least two pilots, and for long haul flights, there are three. Why would we not have similar standards for air traffic controllers performing an equally critical function?

Think about the people flying on the planes across our country. They our our grandmothers, husbands, wives and babies. They are American passangers and their lives have value. To ensure their safety we must insist that Certified Professional Controllers (CPC) are always in the tower. We must set a reasonable minimum standard.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty overnight at National Airport. However, the Secretary's action simply evidences that there is no current mandate for multiple air traffic controllers. The Secretary stated, ''It is not acceptable to have just one controller in the tower managing air traffic in this critical air space. I have also asked FAA Administrator Randy Babbitt to study staffing levels at other airports around the country.''

My amendment calls for a minimum of three air traffic controllers in the tower during hours of airfield operation at the Nation's busiest airports.

After 9/11, we witnessed the vital importance of air traffic controllers in protecting our domestic airspace. Air Traffic Controllers also known as Certified Professional Controllers (CPCs) are part of our front line of defense to protect and ensure the safety of our airspace. In the shocking aftermath of the 9/11 attacks, it was air traffic controllers who monitored the air space above our nation to help keep us safe from further attacks.

Our system is clearly not impervious to the effects of human error, and all it takes is one accident for us to regret not taking the proper action on this amendment.

We must not forget the people who are the passengers in those planes that fly above American skies. They are our grandmothers, grandfathers, husbands, wives and children. They are American passengers and their lives have value. To ensure their safety we must insist that air traffic controllers are provided with proper staffing levels to do their important and necessary jobs of keeping Americans safe.

Mr. Chair, let me end by quoting from a statement released by the National Air Traffic Controllers Association which says:

''One-person shifts are unsafe. Period. The most horrifying proof of this came on Aug. 27, 2006, when 49 people lost their lives aboard Comair Flight 191 in Lexington, Ky., when there was only one controller assigned to duty in the tower handling multiple controllers' responsibilities alone. One person staffing was wrong then and it's wrong now.''

Mr. Chair, my amendment is essential to ensure that we continue to have the safest and most secure aviation system in the world, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MICA. I claim the time in opposition.

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

Mr. MICA. Again, I think the gentlelady's intentions are honorable, and I know she is trying to make certain that we are safe and secure. However, the way the amendment is crafted with actually requiring three air traffic controllers all the time in the top 20 as far as traffic, first of all, I would say it doesn't achieve her goals.

First of all, all of those, we have a list of them, have at least two air traffic controllers. Some of them have very few flights. This doesn't answer the problem that they had at Ronald Reagan Airport. There was a period of time when they have no traffic at many of these airports, so what she would be doing the way this is crafted is requiring at least three all the time, when we have two already, and requiring an additional one.

These are not cheap, easy-to-come-by air traffic controllers. They earn, on average, $163,000. Where I need to put them is where I have the air traffic. We always are required by labor organizations and by FAA to staff to traffic.

So her amendment, while maybe well-intended, it actually achieves the opposite. All of these, every one that she mentioned, has at least two, and then I would be adding more people when they have no traffic as opposed to putting them where I need them where they have traffic.

I understand she is going to withdraw the amendment. I would be glad to work with her. We do have provisions in here that will help us, I think, with some of the personnel movement and questions of professionalism and competency and training that will address some of the shortfalls we have seen from a limited number of FAA air traffic controllers.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me thank the gentleman, and let me thank Mr. COSTELLO, as well, for working on these issues. I think both Members know my relationship to the issues of transportation security.

I would argue that having a statutory framework to work from is the appropriate approach to take. You can assess, then, whether you need three or two or whether some of the airports already have the standing amount. But we have to focus on the security of our skies, if you will, and we don't want any more tragedies to occur without some framework.

I look forward to working with both gentlemen on a framework for our air traffic controllers. I intend to work on legislation that embodies safety and security in a jurisdictional manner and working with Homeland Security, working with the Department of Transportation and our respective jurisdictional committees.

We owe this to the American public. It is my commitment to ensure that professionalism is there, that safety and security are there, and no more lives are lost because of the potential of an overly tired air traffic controller.

With that, Mr. Chairman, I ask unanimous consent to withdraw this amendment.

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

There was no objection.

□ 1740

AMENDMENT NO. 12 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–46.

Mrs. MILLER of Michigan. 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 140, line 2, insert after ''industry'' the following: '', Federal agencies that employ unmanned aircraft systems technology in the national airspace system,''.

Page 140, line 23, strike ''and''.

Page 140, after line 23, insert the following:

(iii) to develop standards and requirements for unmanned aircraft systems sense and avoid performance; and

Page 140, line 24, strike ''(iii)'' and insert ''(iv)''.

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

**SEC. 325. SAFETY STUDIES.**

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

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

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Thank you, Mr. Chairman. I certainly also want to thank Chairman MICA, as well as Chairman PETRI and also Ranking Member COSTELLO, for all of their hard work and for putting out a bill I think will help us move the Nation forward and improve the quality of aviation in America.

My amendment is designed to help expedite and to improve the process by which FAA works with government agencies to incorporate unmanned aerial vehicles, or UAVs as they're commonly called, into the National Airspace System. Currently, Mr. Chairman, law enforcement agencies across the country, from Customs and Border Protection to local police departments, et cetera, are ready to embrace the new technology and to start utilizing UAVs in the pursuit of enforcing the law and protecting our border as well.

However, the FAA has been very hesitant to give authorization to these UAVs due to limited air space and restrictions that they have. I certainly can appreciate those concerns; but when we're talking about Customs and Border Protection or the FBI, what have you, we are talking about missions of national security. And certainly there's nothing more important than that. It was a very, very lengthy exercise to get the FAA to authorize the use of UAVs on the southern border. While they're finally being utilized down there, we are certainly a long way from fully utilizing these technologies.

So my amendment does three things. First, it makes sure those stakeholders currently using UAVs have a seat at the table during the integration process. Second, my amendment would clear up a source of confusion in this process and direct the FAA to define exactly what it means by ''sense and avoid technology.'' We think this would provide very clear-cut criteria in order to ensure compliance.

Finally, my amendment directs the FAA to conduct the safety studies that it is requiring. Currently, the FAA would direct various agencies to conduct these studies themselves. However, there is no agency in the Federal Government that has the expertise and the competency that FAA has when it comes to studying safety in the air. So I think this would guarantee that the safety studies that the FAA requires for this process are as comprehensive as possible.

As I said before, we do have some domestic UAV missions in effect. There's three in Arizona, there's two in North Dakota, and maritime guardians as well in both Florida and Texas. We've made some progress, but when we have a situation in this Nation where we don't have operational control of either of our borders, either the southern border or the northern border, I think that the taxpayers are well-suited to be able to utilize current DOD technology, off-the-shelf hardware that has already been extremely effectively in theatre with these UAVs to help us with our border protection.

UAVs are ready. They work. I think it's past time we utilize them. We need to have the FAA help us with this kind of thing as well.

Mr. PETRI. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Michigan for yielding. We've reviewed her amendment and have no objection to it. We think it's a step forward, and I would urge my colleagues to join us in supporting this.

Mrs. MILLER of Michigan. I certainly appreciate Chairman PETRI's comments on that.

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

Mr. THOMPSON of California. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

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

Mr. THOMPSON of California. Mr. Chairman, if H.R. 658 passes, this 4-year FAA reauthorization bill would devastate rural communities across our great country. This legislation completely phases out the Essential Air Service program, rolls back critical funding needed for airport improvement programs, fails to adequately protect the rights of air passengers, and would cost us close to 70,000 American jobs.

The EAS, the Essential Air Service program, is necessary to provide air service into our country's most rural communities. This year alone, 110 rural airports in the continental United States were helped by this important program. These airports, like the one I represent in Crescent City, California, would simply not be in operation if it weren't for the EAS program. This legislation would completely phase out the EAS program for all airports in the Lower 48 by 2014. This would be devastating for small businesses and a public safety disaster.

I singled out Crescent City Airport in Del Norte County on the west coast of California because, as we all know, just a couple of weeks ago we had a tsunami. Crescent City, California, was ground zero for that tsunami on the Pacific coast. Crescent City received about $40 million worth of damage. We lost a life. All the roads were closed in and out of the area. The only way to get people in and out—some of those people critical public safety individuals, folks who came in to do assessments and to help out in this devastating time—were through our small airport. If this program is lost, that small airport would not be there for my district and all of the other rural districts across the country.

Mr. Chairman, I agree that we've gone too long without a long-term FAA reauthorization bill. However, the bill before us, I believe, would do more harm than good for our aviation system. For that reason, I urge all of my colleagues to vote ''no'' on this bill.

I yield to my friend from Illinois.

Mr. COSTELLO. Mr. Chairman, we support the gentlelady's amendment.

Mr. THOMPSON of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112–46.

Mr. WOODALL. 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 157, after line 14, insert the following (and conform the table of contents accordingly):

**SEC. 3___ CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.**

(a) IN GENERAL.—Notwithstanding any interpretation issued by the Administrator of

the Federal Aviation Administration, the requirements regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft regarding certain flight times and rest periods shall remain in effect as such requirements were in effect on January 1, 2011.

(b) RESTRICTION ON REGULATIONS.—The Administrator may not issue, finalize, or implement a rule regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, as proposed in docket No. FAA-2010-1259, Interpretations of Rest Requirements, published in the Federal Register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft.

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

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. My amendment supports a longstanding FAA regulation of medical charter flight services under part 135. There's been a lot of focus on fatigue and pilot rest and duties. I certainly understand that on the passenger side of the equation, but these medical charter flights fall into a little different category.

If you chartered a flight to fly down and pick up a heart for a heart transplant, the lifesaving thing to do is to actually keep that flight coming back, not to delay it with additional rest and regulations. Because of the unique circumstances that these air ambulances are in, that these medical charter flights are in—and we even expanded it to include cargo because in this increasingly regulatory environment I didn't want there to be any confusion that if we had a heart on a plane, that was somehow not a medical ambulance flight because there was no person there to prevent the FAA from re-regulating this area in the same way that they have regulated passenger charter flights.

This has long been treated under a special part of the regs for a special reason because these air ambulance flights provide a critical addition to our health care delivery system in this country and because the flights that they are involved in are genuinely a matter of life and death.

With that, I would ask my colleagues to support this protection of the current regulatory structure of these medical charter flights and prevent the reinterpretation of that structure.

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

The Acting CHAIR. No Member seeking time in opposition, the question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112–46.

Mr. PIERLUISI. 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 161, line 18, strike ''Alaska and Hawaii'' and insert ''Alaska, Hawaii, and Puerto Rico''.

Page 164, line 19, strike ''ALASKA AND HAWAII'' and insert ''ALASKA, HAWAII, AND PUERTO RICO''.

Page 164, line 21, strike ''Alaska and Hawaii'' and insert ''Alaska, Hawaii, and Puerto Rico''.

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

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. The Essential Air Service program, enacted in the wake of airline deregulation in 1978, ensures that smaller communities that were served by air carriers before deregulation continue to be served so that residents of these communities can access air travel. Nowhere is the Essential Air Service program more essential than in noncontiguous U.S. jurisdictions, like Puerto Rico, that are separate and distant from the U.S. mainland.

The bill already passed by the other body would make reforms to the EAS program going forward, but would continue the program, in effect. The bill before us would phase out the EAS program by October 2013, but would expressly authorize the Secretary of Transportation, if he or she deems it appropriate, to continue the program beyond that date in the noncontiguous jurisdictions of Alaska and Hawaii.

My amendment would provide the Secretary with the same reasonable discretion in the case of Puerto Rico. The sound arguments that militate in favor of allowing the Secretary this discretion with respect to Alaska and Hawaii apply with similar force with respect to Puerto Rico.

□ 1750

Like Alaska and Hawaii, Puerto Rico is a non-contiguous jurisdiction, separated by ocean from the U.S. mainland. Puerto Rico consists of multiple islands, three of which are home to resident populations and active airports: namely, the main island of Puerto Rico and the outer islands of Vieques and Culebra.

As in Alaska and Hawaii, not all communities in Puerto Rico are connected by road, and the nearly 4 million U.S. citizens residing in the territory rely heavily on aviation to connect to the national air transportation network. Federal support under the EAS program has made this essential connection possible for many of my constituents who face unique geographic challenges.

Continued operation of the EAS program in Puerto Rico is likely to cost the Federal Government only about $1 million a year, roughly .06 percent of the total cost of the program in 2010. The EAS program is funded through FAA overflight fees, which apply to operators of aircraft that fly in U.S.-controlled airspace, including Puerto Rico.

Mr. Chairman, based on an earlier discussion we had on the floor, I know my friend, the gentleman from Florida, is willing to work with me to address this matter as we move forward.

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

Mr. MICA. Mr. Chairman, I rise in opposition, although I am not in opposition. I ask unanimous consent to control the time.

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

There was no objection.

Mr. MICA. First of all, I want to thank the gentleman for his leadership in representing so well the people of Puerto Rico. Also, again, Governor Fortuno, who preceded the current delegate. I talked to them about this situation, and they do indeed have an essential air problem. He cited Vieques and Culebra, for example, and I know even during the recent season they had ferry boat interruption service. There's no other way to get back and forth. And this does constitute Essential Air Service.

As I have said to the gentlewoman and the gentleman from North and South Dakota and the gentleman from Pennsylvania and now to the gentleman with Puerto Rico, I commit to work with them and will try to address their concerns. He has my commitment in that regard.

I understand he's going to withdraw his amendment, and I'm grateful for his cooperation and pledge to work with him.

I yield back the balance my time.

Mr. PIERLUISI. Mr. Chairman, I want to thank the gentleman from Florida for his kind words and for the commitment he has made to ensure that Puerto Rico is not overlooked in the deliberations about the Essential Air Service program. I cannot overstate the importance of air service for my constituents, especially those living in Ponce and Mayaguez, as well as the islands of Vieques and Culebra. Therefore, I look forward to working with the gentleman from Florida as well as with the ranking member of the committee of jurisdiction on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112–46.

Mr. SCHWEIKERT. 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 170, after line 12, insert the following:

(e) EXTENDING LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 (as amended by subsection (d)(1) of this section) is further amended by adding at the end the following:

''(h) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109, except that an air carrier may not use multi-aisle or widebody aircraft to provide the service authorized by this subsection.''.

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

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, first, I really do want to thank the chairman here for his hard work. Let's face it. This is a tough bill to put together. There's a lot of moving parts. And I truly appreciate the diligence that you and your staff have done to ensure that this FAA authorization continues to move forward.

The current DCA slots language in the bill does offer some relief to travel restrictions imposed by the DCA perimeter rule. It would make a handful of additional—what's the proper term?—''beyond perimeter'' opportunities available, and those flying opportunities would probably go to new carriers or those with limited presence right now at Reagan National.

But there needs to be, and there really should be, more done. My amendment would allow carriers which currently have slots at National Airport to convert flights now servicing large hub airports inside the perimeter zone into flights serving any airport outside the perimeter zone. This approach would result in greater access for communities beyond the perimeter zone without adding any new flights and without jeopardizing service to small- and medium-sized communities. There is substantial support for the idea. There are many other ideas worth considering in this basic concept of dealing with this perimeter zone.

The perimeter rule restriction for flights coming in and out of Reagan National really are outdated. It's a vestige of a long time ago when the government thought really it should control and manage and, shall we say, manipulate markets. Whatever justification there might have been a long time ago, the perimeter rule has surely outlived its purpose. Our constituents, particularly those in the western part of the country, are penalized by continued imposition of this perimeter rule. Broader relief of this rule, broader definition, broader expansion—this competition would benefit consumers and allow a better market to function for all of us.

I would like this opportunity to work with the chairman to achieve the result of more competition. This is a very important bill. This is important to us in the West, and I do believe we should broaden the scope of the perimeter rule.

I reserve the balance of my time.

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

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

Mr. COSTELLO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I strongly oppose the gentleman's amendment. The gentleman may or may not know that this is the one issue that held us up from getting an FAA reauthorization bill in the last Congress. In fact, we could not get the bill out of the Senate because of this issue. It would, in fact, be an earmark for one airline.

I support the language that is currently in the bill. It's taken years for us to negotiate where we are with this issue, and I, again, strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I yield to the gentleman from Florida, the chairman of the Transportation Committee.

Mr. MICA. Again, I do have concerns and share the concerns of Mr. COSTELLO. This is a hard-fought provision.

I will guarantee the gentleman that I am aware of his concerns. I will work with him as the bill proceeds hopefully through the conference process. And I think you're doing an outstanding job in representing the constituencies who are affected who want those longer-distance services to come into our Nation's Capital.

Again, he has my strong commitment. I am hoping that he would withdraw the amendment at this time. I pledge to work with him, and I know Mr. COSTELLO will also work with the gentleman in that regard.

Mr. SCHWEIKERT. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I rise to support the chairman of the committee, Mr. MICA, and the ranking member on this issue.

□ 1800

As the ranking member pointed out, this was the single issue. The amendment being offered by the gentleman from Arizona was identical to the dispute which submarined this bill in the last session of Congress in the Senate. Essentially, it's a grab by, principally, one airline, but two airlines would get 70 percent of the benefit of his amendment. I think that's pretty much an earmark. It's pretty darned targeted.

What we've proposed and what the chairman has proposed is much more modest and builds upon the consensus of the House, the last two sessions of this House, and also the last two successful reauthorizations of the FAA, which said, let's have real competition. So it put up a small pool of slots to be competitively awarded to areas that are underserved, not to one airline so it can dictate who will get service and who won't, which is what the gentleman's amendment would do. This would be a competition for underserved cities and airlines which do not now have access to the airport.

This is very similar to what was done in AIR–21 and Vision–100. I believe it is an elegant solution to this that will not cause additional noise or problems at the airport, that will not give one airline a near monopoly or two airlines pretty much a duopoly. The market at National will give consumers on the west coast more options in getting to our Nation's capital and in utilizing National Airport.

So I appreciate the gentleman's advocacy for an airline which serves his State, but that airline doesn't serve mine or many other western States. I would urge opposition, and let's have a real competitive position, which is the position of the committee.

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

Mr. SCHWEIKERT. Mr. Chairman, in reclaiming whatever time I still may have remaining, I actually appreciate the comments.

My ultimate goal is: more competition, more options, more choices. In the quick conversation I just had with the chairman, he assured me that he'd be willing to work with all of the parties that want to reach this goal.

And so with unanimous consent, I would like to withdraw the amendment.

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

There was no objection.

AMENDMENT NO. 16 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112–46.

Ms. RICHARDSON. 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 173, at the end of the matter following line 2, insert the following:

''42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation marks and the final period and insert the following:

**''§ 42304. Notification of flight status by text message or email**

''Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least one percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier as a means of notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

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

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I thank you for this opportunity to bring my amendment forward. I want to point out that I actually brought forward this amendment back in 2009, and it was passed in this House back on May 21, 2009.

My amendment directs the FAA administrator to promulgate regulations within 180 days, giving consumers an option—I want to stress an ''option''—for a text message or an email notification from carriers in the event of a delayed or a cancelled flight. The amendment would, consistent with existing regulations, apply only to carriers which earn at least 1 percent of the domestic passenger service market.

My purpose today is not to tell the airlines how to run their businesses or to instill any burden on the airlines. It is merely to ensure that hardworking men and women who are spending their dollars flying the airlines are given the basic information that they deserve and, as I would say, what they've already paid for. We can all tell horror stories of delayed and cancelled flights. Given the advances in technology and the widespread use of cell phones and smart phones nationwide, it is only reasonable to consider that we would utilize 21st century solutions for all of the American public, not just for some who can pay a little bit more for it.

My amendment will help to ensure that the traveling public will receive timely notifications of any flight delay or cancellation. I need not tell you that flight delays and cancellations continue to be a problem. In fact, the Bureau of Transportation reported that, in 2010, more than one out of every five flights was delayed.

Major choke points for travelers have taken place at large hubs, but they can occur anywhere. It is not uncommon that the airlines have prior knowledge of an upcoming delay, and that information should be shared appropriately with the public. The airlines can simply send each passenger who has requested it an email or a text message, which would give those passengers more time to plan alternative routes or to notify their families.

Earlier this year, snow slammed the east coast and the Midwest. In the New York region alone, the storm caused thousands of cancelled flights at the Newark Airport. Customer service does matter, and in this case, it is something that all Americans deserve. Also, consider that it is in the economic interest of our country not to have thousands and thousands of people who are flying and who, unbeknownst to them, end up sleeping on the floor and running out of baby's milk and diapers, having a need to get to their final points.

Let me suffice to say that, in consultation with my colleagues on the other side, with Mr. MICA and others as well as with those in the industry, I have committed to working with them as we go forward to make sure that we can eventually get to a point where we can provide the public with the information but not in a way that is burdensome. So, today, I will not ask for a recorded vote, but I look forward to working with my colleagues on the other side to establish a better process going forward, which the industry has also agreed to work with me on.

I reserve the balance of my time.

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

The Acting CHAIR (Mr. SIMPSON). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. We really do support the intent of the gentlelady from California's amendment, but in our opinion and without further work and review of it, it's not something that is wise to codify into law at this particular juncture.

It is my understanding that all of the major air carriers do provide electronic notification of flight status. We want to review it to make sure of the scope of those, less the major carriers, and as to how this would work in practice so that it doesn't result in litigation and not really greater consumer convenience. The industry has been moving. Since you called this to the attention of the industry back several years ago, it has been implemented by all of the major carriers. So progress is being made, and we'd like to work with you to make further progress, but we do oppose the amendment at this time.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Ms. RICHARDSON. I thank the gentleman on the other side for his willingness to work with me.

As I have just spoken to the industry individuals, actually, not all of them have implemented it, so there is room to grow. Also, not necessarily all passengers are aware of the service or have access to it.

Suffice to say, I agree with your thoughts. Certainly, we're not looking to do anything burdensome, and we're certainly not looking for legal issues, but if we can figure out a way to work to get the best thing for the American public, that's my objective.

I reserve the balance of my time.

Mr. PETRI. I understand the delegate from the District of Columbia would like to address this issue. I yield 2 minutes to our colleague, ELEANOR HOLMES NORTON.

Ms. NORTON. I appreciate my friend yielding me 2 minutes. I did not get an opportunity to speak on the last amendment. Although I'm from the region, I did want to reinforce why the compromise fashioned by the chairman and the ranking member is so important. Whenever this bill comes up, there is some individual, usually from the other body, who wants to expand the perimeter.

Dulles and Reagan are essentially airports under congressional control, and Congress has mandated a balance between Reagan and Dulles, and has allocated finances accordingly. Reagan is a short-distance airport. Dulles is the long-distance airport. Reagan has one primary runway. There were stories in the paper just recently about how hard it is, therefore, for planes to land there. Dulles has four times as many. The underuse of Dulles would, in fact, waste substantial investment that the Congress has put into this balance.

□ 1810

The compromise language does at least import competition; whereas, the original amendment would have been a windfall to one or two airlines.

So I very much appreciate this compromise. Remember, those of us in the region would prefer nothing outside of the perimeter, but we're always willing to work with the chairman and with others on the committee, and I am grateful for the compromise that has been accepted, and I'm very grateful that the gentleman from Arizona has been kind enough to withdraw his amendment.

Ms. RICHARDSON. Mr. Chairman, the flying public should have the peace of mind of knowing that, if they so choose, they're armed with the latest information regarding their flight delays. This is what our American public has right now.

As this bill continues, I pledge to continue to work with Mr. PETRI, Mr. MICA, and our ranking member, Mr. COSTELLO, as we continue to work to make sure that the airlines can come up with a solution that will benefit all of the flying public here in America, a solution that does not burden the consumers or the industry, that can allow us to get to our objective, which is for people to fly safely and to be appropriately informed.

I urge my colleagues to continue to work on this issue.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–46.

Mr. CAPUANO. 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 189, after line 13, insert the following (and conform the table of contents accordingly):

**SEC. 434. BAGGAGE FEE REFUNDS.**

An air carrier that collects a fee from a passenger for checked baggage on a flight operated by the carrier in scheduled passenger air transportation or intrastate air transportation shall refund the fee, not later than 60 days after the date of the flight, if the baggage is lost, delayed, or damaged. A refund required under this section shall be in addition to compensation required under any other provision of law.

**SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE SALE OF AIRLINE TICKETS.**

(a) NOTICE OF FEES.—Section 41712 is amended by adding at the end the following:

''(d) NOTICE OF FEES.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier or foreign air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket, the cost of checking one or more pieces of baggage on the flight.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided by—

''(A) requesting the individual purchasing the ticket to indicate the number of bags the individual intends to check on the flight, when the individual is providing other flight and airport information; and

''(B) informing the individual of the cost associated with checking such baggage when a fare quote is first provided.''.

(b) SHARING OF INFORMATION.—To carry out the amendment made by subsection (a), the Secretary of Transportation shall prescribe any requirements necessary to ensure that consumers are provided with information about baggage fees prior to the sale of a ticket, including requiring that pertinent information is adequately shared between carriers and ticket agents with which carriers have an agency appointment or other contract.

(c) CONTRACTUAL RELATIONSHIPS.—Nothing in this section, including the amendments by this section, shall be construed to require—

(1) an air carrier or foreign air carrier to enter into an agency appointment or other contract with a ticket agent; or

(2) an air carrier or foreign air carrier to provide information to a ticket agent with which the carrier does not have an agency appointment or other contract.

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

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, this amendment is very simple. It does two simple things. We worked with the Department of Transportation to make sure that we don't step on any toes.

Very simply, it requires any airline charging a baggage fee to tell us what it is so that when you want to go online and get a hundred dollar ticket, you know it's going to cost you $120 for the baggage or whatever. Very simple. It also requires them to share that information with any other aggregator that they already have a contract with. It does not require them to share that information with people that they do not do contract work with.

The second thing it does is it simply says, if you collect a baggage fee and you lose that bag, that you have to refund the baggage fee. Very simple.

Two items, consumer protection. Everybody who travels, everybody who flies knows that these two issues have become problems. They are being unaddressed. DOT is looking at some regulations. They haven't done it yet. There is nothing in this bill that would interfere with that activity.

Therefore, Mr. Chairman, I would respectfully request that this amendment be adopted.

I reserve the balance of my time.

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

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

Mr. MICA. First of all, I greatly respect the gentleman's intent. I strongly favor the disclosure of fees by airlines. I think that fees ought to be refunded when bags arrive late, damaged, or just lost.

However, as drafted, the amendment goes far beyond that and allows, again, some unfairness to contractual agreements, first of all, with global distribution systems and ticket agents. This requirement tips the scales in favor of global distribution systems and their business relationships with airlines, and global distribution systems are not charitable organizations. They're owned by private equity firms, hedge funds, and exist to make money in the travel industry, and we would tip the balance in this requirement for them.

I favor part of what the gentleman's trying to do, but as crafted, I have to oppose the amendment because of that provision.

I yield back the balance of my time.

Mr. CAPUANO. Mr. Chairman, I respect the chairman's opinion, but I respectfully disagree. There is nothing in this proposal, as drafted at the moment, that would require anyone to disclose any information to anyone they are not already giving information to. If an airline is already doing work with Orbitz or Expedia or KAYAK or any of those, they're already giving them all of the information.

All this says, if when you go onto one of those Web sites, if they are already working with them. Some of them don't work with them at all. That's their prerogative. There's nothing that requires that. It simply says, if you are working with them, you have to add in the baggage fee. That's all it does. It's simply allowing people to make informed decisions as to how much they want to pay to actually travel with their own bags, not a very difficult thing.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the ranking member.

Mr. COSTELLO. I thank the gentleman for yielding.

I think it is worth pointing out that last July Mr. PETRI and I held a hearing at the Aviation Subcommittee, and we had the GAO come in. It was on consumer issues, and not only the GAO but also consumer groups came in, and the message was clear from every witness that had consumers' interests in mind.

Number one, these fees were excessive. Two, information about baggage fees should be transparent and immediately disclosed so that consumers can compare the total cost of flights offered of the different carriers.

So, this legislation helps bring more equity and transparency to the process. I urge my colleagues to support it.

Mr. CAPUANO. Mr. Chairman, I would like to put into the RECORD a letter of support by Flyers Rights, the largest flying public representative in the country.

MARCH 21, 2011.

Hon. JOHN MICA,
*Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MICA: Congressman Michael E. Capuano recently introduced H.R. 712, which would require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare. This bill addresses two serious problems for air travellers, and the 33,000 members of FlyersRights.org strongly support this legislation.

The first problem is all too familiar to anyone who flies frequently. About,10,000 bags a day are mishandled—lost, damaged, or delayed—and passenger recourse has always been limited. Lost or damaged bag incidents may result in some compensation. However, most airlines now charge fees for checked baggage. When a bag is lost, damaged, or delayed, they are under no obligation to return those fees, even though they have failed to perform the contract implied by passengers' paying for bag delivery to destination. Clearly, airlines should not profit from performance failures.

The second problem is relatively new. Most airlines increasingly turn to unbundled, ancillary fees to boost their profit. These fees, not a part of the advertised ticket price, make it difficult for travellers to determine true trip cost. Mr. Capuano's bill would force airlines to proactively inform consumers of baggage charges before the travellers purchase tickets. This fee disclosure was made mandatory by a May, 2008, DOT rulemaking, but needs to become a part of public law. H.R. 712 complements and builds on DDT's rulemaking by requiring airlines to ask customers if they'll be checking baggage when providing a fare quote, and to then include that fee in their quote. It would also apply to ticket agents and fare aggregators, where it will probably be most useful.

I again stress that FlyersRights.org strongly supports this legislation and views it as a strong step forward for airline passenger rights.

Sincerely,

KATE HANNI,
*Founder and Executive Director, FlyersRights.org.*

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

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

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

Mr. CAPUANO. 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 Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–46.

Mr. GINGREY of Georgia. 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 216, after line 2, insert the following:

(b) LABOR MANAGEMENT RELATIONS.—

(1) EXCLUSION FROM THE EXCEPTION.—Section 40122(g)(2)(C) is amended by inserting after ''chapter 71'' the following: ''(other than subsections (a), (c) and (d) of section 7131)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that such amendment shall not have the effect of causing official time to be denied or otherwise made unavailable for purposes of—

(A) the negotiation of a collective bargaining agreement, if commenced before such date of enactment;

(B) any proceeding before the Federal Labor Relations Authority, if commenced before such date of enactment; or

(C) any other matter pending on such date of enactment, in connection with which any official time has been used or granted before such date.

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

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise today to offer an amendment with my good friend Mr. TODD ROKITA from Indiana that will increase efficiency in the FAA and uphold the integrity of taxpayer dollars.

In fiscal year 2008, the Office of Personnel Management conducted an extensive survey of 61 Federal agencies and found that nearly 3 million workhours and over 120 million taxpayer dollars were spent on union activities during official work-related time. This amendment prohibits Federal employees of the FAA from using official taxpayer-sponsored time on these activities.

By offering this amendment, I intend to limit Federal activity during normal business hours to the people's work and not for constantly bargaining with one's employer, arbitrating grievances, or organizing and carrying out internal union activities. Labor organizations must participate in these actions outside of official time and without the use of taxpayers' hard-earned dollars.

Mr. Chairman, the current collective bargaining agreement between the FAA and air traffic controllers allows for nine Federal employees to spend their—get this—their entire work year on behalf of the union. Let me be abundantly clear. Nine Federal employees are paid by taxpayers for absolutely no official work on their behalf.

So this amendment in no way inhibits an employee's right to participate in collective bargaining or arbitration even though union representatives generally drag these activities out for months to years, costing taxpayers a tremendous amount of money.

Opponents of this amendment will inevitably say that union representatives cannot use any official time for political activity and only for work-related purposes. However, Mr. Chairman, during the CR debate on H.R. 1 two weeks ago, a Federal employee working for the EPA sent Members an email at 2:47 p.m. in the afternoon with a letter attached that opposed an amendment, literally stating ''official time cannot be used for any political activities.'' I find it hard to believe how this letter does not constitute a political activity for which this Federal employee clearly evaded his official work responsibilities, in the middle of the work day, in order to weigh in on a political matter on behalf of his union.

NATIONAL COUNCIL OF EPA LOCALS
COUNCIL #238, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFL-CIO),
*Chicago, IL, February 18, 2011.*

AN OPEN LETTER TO CONGRESS

DEAR HONORED MEMBER OF CONGRESS: As President of the American Federation of Government Employees (AFGE) National Council of EPA Locals #238, representing more than 10,000 U.S. Environmental Protection Agency Federal civilian employees across America, I am writing to ask you to oppose any efforts to include in H.R. 1, the FY2011 Continuing Resolution, the Gingrey Amendment #185, the Rokita Amendment #209, or any other amendment to eliminate the use of official time for union representation across the federal government.

In the 1978 Civil Service Reform Act (the Act), Congress expressly stated its belief that collective bargaining not only ''safeguards the public interest,'' but ''contributes to the effective conduct of public business,'' and ''facilitates and encourages the amicable settlement of disputes . . .'' Under the provisions of the Act, federal employees represented by a union can be granted official time, or the ability to perform representational activities during work hours, for certain activities that are in the joint interest of both the union and the agency. Official time is allowed for negotiating collective bargaining agreements, handling employee grievances, and conducting and receiving training. It cannot be used for conducting internal union matters, organizing workers, soliciting members or any partisan political activities. It promotes efficiency and efficient resolution of complaints within the federal workforce.

It is important to note that as part of the Act of 1978, Congress requires federal employee unions to work on behalf of all employees in a bargaining unit regardless of whether or not they pay dues. Moreover, the Congress prohibits federal employee representatives from even collecting a fair-share payment or fee when they handle grievances for non-members or arbitrate cases on their behalf. In other words, non-members get the proverbial free lunch; they contribute not a dime, yet they benefit directly from the hard-fought bargaining gains and skilled representation that organizations representing federal employees are compelled by law to provide equally to both members and non-members.

In exchange for being saddled with these responsibilities, the Congress allowed federal employee unions to bargain with agencies over official time, by which federal employees who are also union representatives can fulfill obligations to their members and non-members while on duty status. Some Members of Congress have advocated cutting the salaries and benefits of those who serve the public as employees of the federal government. These employees are the individuals who secure our borders, keep terrorists behind bars, get Social Security checks out on time, ensure a safe food supply, make sure Americans have clean water and air, and care for our wounded veterans, but they have been unfairly painted as the cause of our country's economic troubles.

Use of reasonable amounts of official time has been supported by government officials of both political parties for some 50 years. The recent opposition to official time has nothing to do with deficit reduction and everything to do with taking away Federal Employees' right to union representation. It is an attempt to make the grievance process meaningless so that an employee who has been the victim of race or gender discrimination, sexual harassment, unfair denial of Family Medical Leave Act (FMLA) leave, or unsafe working conditions would have no representative to contact.

Private industry has known for years that a healthy and effective relationship between labor and management improves customer service and is often the key to survival in a competitive market. The same is true in the federal government. No effort to improve governmental performance—whether it's called reinvention, restructuring, or reorganizing—will thrive in the long haul if labor and management maintain an arms-length, adversarial relationship. In an era of downsizing and tight budgets, it is essential that unions have official time so that management and labor have a stable and productive working relationship that allows for collaboration in delivering the highest quality and most effective services to the American people.

This mean-spirited attack on Federal civilian employees is not only bad policy and demoralizing, but also erodes the faith of the American people that Congress can be counted on to provide them with even basic government services.

I urge you to vote ''no'' on the Gingrey Amendment #185, the Rokita Amendment #209 and any other amendment to eliminate the use of official time for union representation across the federal government.

Respectfully,
CHARLES (''CHUCK O'') ORZEHOSKIE,
*President, AFGE Council 238.*
JOHN J. O'GRADY,
*Treasurer, AFGE Council 238.*

□ 1820

I reserve the balance of my time.

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

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

Mr. COSTELLO. The amendment unfairly singles out the FAA unionized employees from all other Federal employees. Under Federal law, an employee representing a union has a right to receive ''official time'' to negotiate a collective bargaining agreement and participate in impasse proceedings. In addition, the law permits an agency and a union to negotiate the availability of official time as long as the time is ''reasonable, necessary, and in the public interest.''

Mr. Chairman, additionally, the purpose of the official time is to give Federal employees the opportunity to represent their colleagues on issues ranging from discrimination to managerial misconduct and to resolve disputes in a cooperative fashion at the lowest level rather than resorting to the costly litigation. The cost of arbitrating one case is estimated to be at least $10,000, and that does not include the salary and expenses for the time spent by the two attorneys the FAA uses on every case.

Mr. Chairman, I would respectfully submit this is an issue that should be left to be negotiated between the agency and the employees.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. MICA), the committee chairman.

Mr. MICA. I would like to submit this letter of support for the RECORD.

ASSOCIATION OF AIR MEDICAL SERVICES,
*Alexandria, VA, March 25, 2011.*

Hon. JOHN MICA,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

Hon. THOMAS PETRI,
*Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

Hon. NICK RAHALL,
*Ranking Member, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

Hon. JERRY COSTELLO,
*Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MICA, RANKING MEMBER RAHALL, CHAIRMAN PETRI, RANKING MEMBER COSTELLO: The Association of Air Medical Services (AAMS) greatly appreciates your efforts to enact an overdue, long-term reauthorization of the Federal Aviation Administration (FAA). We are also appreciative of your comprehensive efforts to address the safety concerns of the air medical industry within the reauthorization legislation.

Like others in the air medical industry, AAMS is committed to efforts to improve the safety infrastructure for air medical providers, crews, and the patients they serve. Your bill contains a number of provisions that address rapidly-emerging technology and other practices that will surely benefit the industry's efforts for increased safety.

As you know, the FAA has been operating without a long-term authorization since 2007. The uncertainty of operating without a long-term authorization makes it difficult for the FAA to move forward with badly needed investments to improve the aviation infrastructure, and in particular the low-altitude infrastructure. As such, it is critical the FAA reauthorization process is completed as quickly as possible. AAMS urges the House to act on FAA reauthorization as soon as possible so that the process can expeditiously move toward completion and bring long-needed stability to FAA operations.

Again, thank you for your efforts on this important issue. As always, please do not hesitate to call upon AAMS if we can be of further assistance.

Sincerely,

DANIEL G. HANKINS, MD,
*President.*
DAWN MANCUSO,
*Executive Director/CEO.*

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MARCH 30, 2011.

As proponents of safe and reliable lithium battery transportation regulations, we urge you to support language in the Mica Manager's Amendment to H.R. 658, which would ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization (ICAO). Harmonization of these regulations will enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S. For these reasons, we also strongly oppose the Filner Amendment, which would prevent harmonization.

Over 81% of laptops, 67% of cellular phones and 69% of the lithium batteries used to power these devices that are sold in the U.S. are shipped by air into the U.S. All told, billions of lithium and lithium battery-containing products are shipped safely every year. In fact, there has not been a reported incident in transportation involving such a battery or battery-powered product that was packaged in accordance with the ICAO regulations.

These batteries and products containing them are used in various forms in nearly every aspect of our lives. We depend on them in our jobs, personal lives, and for life-saving medical procedures. Moreover, the U.S. military uses a significant number of lithium battery-powered products to train soldiers at home and in battlefield operations abroad. Some everyday use products that contain lithium batteries include laptops, cellular phones, portable music/video devices, navigation/GPS systems, cameras, smoke/security alarms and power tools. In addition, a number of life-saving and life-enhancing medical devices are powered by these batteries such as pacemakers, defibrillators, spinal cord stimulators, portable oxygen concentrators and blood glucose monitors.

Unfortunately, the Department of Transportation (DOT) has published a proposed rulemaking that would require consumer-type lithium batteries and products containing them to be shipped as fully-regulated hazardous materials when shipped by air as cargo. We also understand DOT has drafted a second lithium battery rulemaking that may be published later this year. Our coalition believes that DOT's proposed rule on lithium batteries far exceeds what is necessary to achieve safety benefits and will impose drastic costs on consumers, retailers, and manufacturers of batteries, electronic equipment and medical devices. If DOT is allowed to move forward with their rulemakings, the following consequences would likely ensue:

$1.1 billion impact on industry in the first year of implementation

Advantage foreign businesses over U.S. businesses

Delays in shipping lithium batteries and equipment needed by our military

U.S. consumers will be forced to pay higher prices for consumer electronics and countless other devices that rely on safe lithium batteries for their power source

Severe supply chain disruptions and delays as well as untold job loss

Delays in shipping life-saving medical equipment and increased medical costs

Re-routing of trade to other countries to avoid complying with onerous new U.S. regulations

Create safety concerns regarding confusion over which rules apply when shipping lithium battery products

As our nation works to climb out of an economic downturn, these anticipated consequences are unacceptable for manufacturers, technology innovators, retailers, medical-device manufacturers, air carriers and other impacted industries. The solution, and the best way to promote safety, is to harmonize U.S. regulations with the ICAO regulations. Again, we urge you to support the Mica Manager's Amendment to H.R. 658 and oppose the Filner Amendment's attempt to prevent harmonization.

AdvaMed, Airforwarders Association, Air Transport Association, Association of Home Appliance Manufacturers, AT&T, Boston Scientific, Cargo Airline Association, Consumer Electronics Association, Consumer Electronics Retailers Coalition, CTIA—The Wireless Association, Dangerous Goods Advisory Council, DHL, Express Association of America, FedEx Corporation, Garmin, Hewlett-Packard, International Air Transport Association.

Information Technology Industry Council, Johnson Controls, Motorola Mobility, Motorola Solutions, National Association of Manufacturers, National Electrical Manufacturers Association, National Retail Federation, Power Tool Institute, PRBA—The Rechargeable Battery Association, Retail Industry Leaders Association, Samsung SDI, Security Industry Association, Sony, UPS, U.S. Chamber of Commerce, The International Air Cargo Association.

Mr. GINGREY of Georgia. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA).

The Acting CHAIR. The gentleman from Indiana is recognized for 2¼ minutes.

Mr. ROKITA. Mr. Chairman, I would like to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the time.

The highest honor and privilege of my professional career so far has, with all due respect, not been in this Chamber but was the 8 years that I served as Indiana's secretary of State. I have run a government agency. We run it on 1987 dollars, unadjusted for inflation. The secretary of State's office in Indiana right now spends no more money than it did in 1987—again, unadjusted for inflation. We had no more employees than we did in 1982. From that experience, I can say the worst thing you can do for government efficiency, if you really are interested in serving the people, is to have your employees distracted by anything else but the people's business.

The scope of this problem at the Federal level I find absolutely stunning. According to the Office of Policy Management, in 2008 the Federal workers

were paid 2.9 million hours spent on union business. Let me say that again. We pay, as American taxpayers, for 2.9 million hours of union negotiations. That means we have spent $120 million for people to negotiate for a different or better job, not for them to even do their actual job.

Certain union representatives at the FAA are allowed to spend 80 hours each pay period doing union business, not the work of the people of this Nation. Last time I checked, that's 2-weeks' worth of work the entire pay period. So a union representative could spend each year being paid by the taxpayers and only working on union business. How is that fair to the American taxpayers, Mr. Chairman, who are footing this bill? This must stop.

In case the Members here haven't heard, this country is broke. We are borrowing money at a record pace and assigning the bill to our children and grandchildren, Mr. Chairman. We simply cannot continue to waste taxpayer dollars on work that benefits only a chosen few.

Please support this amendment, I urge my colleagues. Put money back into the pockets of American families, and let union negotiators work on their own time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment, and yield back the balance of my time.

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

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 Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–46 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MICA of Florida.

Amendment No. 7 by Mr. GARRETT of New Jersey.

Amendment No. 9 by Mr. DEFAZIO of Oregon.

Amendment No. 10 by Ms. HIRONO of Hawaii.

Amendment No. 17 by Mr. CAPUANO of Massachusetts.

Amendment No. 18 by Mr. GINGREY of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 168, not voting 13, as follows:

[Roll No. 207]

AYES—251

| | | |
|---|---|---|
| Adams | Gosar | Noem |
| Aderholt | Gowdy | Nugent |
| Akin | Granger | Nunes |
| Alexander | Graves (GA) | Nunnelee |
| Amash | Graves (MO) | Olson |
| Austria | Griffin (AR) | Palazzo |
| Bachmann | Griffith (VA) | Paul |
| Bachus | Grimm | Paulsen |
| Barletta | Guinta | Pearce |
| Bartlett | Guthrie | Pence |
| Bass (NH) | Hall | Peterson |
| Benishek | Hanna | Petri |
| Berg | Harper | Pitts |
| Biggert | Harris | Platts |
| Bilbray | Hartzler | Poe (TX) |
| Bilirakis | Hastings (WA) | Polis |
| Bishop (UT) | Hayworth | Pompeo |
| Black | Heck | Posey |
| Blackburn | Heller | Price (GA) |
| Bonner | Hensarling | Quayle |
| Bono Mack | Herger | Reed |
| Boren | Herrera Beutler | Rehberg |
| Boustany | Huelskamp | Reichert |
| Brady (TX) | Huizenga (MI) | Renacci |
| Brooks | Hultgren | Ribble |
| Broun (GA) | Hunter | Rigell |
| Buchanan | Hurt | Rivera |
| Bucshon | Issa | Roby |
| Buerkle | Jenkins | Roe (TN) |
| Burgess | Johnson (IL) | Rogers (AL) |
| Calvert | Johnson (OH) | Rogers (KY) |
| Camp | Johnson, Sam | Rogers (MI) |
| Canseco | Jones | Rohrabacher |
| Cantor | Jordan | Rokita |
| Capito | Kelly | Rooney |
| Carter | King (IA) | Ros-Lehtinen |
| Cassidy | King (NY) | Roskam |
| Chabot | Kingston | Ross (AR) |
| Chaffetz | Kinzinger (IL) | Ross (FL) |
| Chandler | Kissell | Royce |
| Coble | Kline | Runyan |
| Coffman (CO) | Labrador | Ruppersberger |
| Cohen | Lamborn | Ryan (WI) |
| Cole | Lance | Scalise |
| Conaway | Landry | Schilling |
| Cravaack | Lankford | Schmidt |
| Crawford | Latham | Schock |
| Crenshaw | LaTourette | Schrader |
| Cuellar | Latta | Schweikert |
| Culberson | Lewis (CA) | Scott (SC) |
| Davis (KY) | Lipinski | Scott, Austin |
| Denham | LoBiondo | Scott, David |
| Dent | Long | Sensenbrenner |
| DesJarlais | Lucas | Sessions |
| Diaz-Balart | Luetkemeyer | Shimkus |
| Dold | Lummis | Shuler |
| Donnelly (IN) | Lungren, Daniel E. | Shuster |
| Dreier | Mack | Simpson |
| Duffy | Manzullo | Smith (NE) |
| Duncan (SC) | Marchant | Smith (NJ) |
| Duncan (TN) | Marino | Smith (TX) |
| Ellmers | McCarthy (CA) | Southerland |
| Emerson | McCaul | Stearns |
| Farenthold | McClintock | Stivers |
| Fincher | McCotter | Stutzman |
| Fitzpatrick | McHenry | Sullivan |
| Flake | McIntyre | Terry |
| Fleischmann | McKeon | Thompson (PA) |
| Fleming | McKinley | Thornberry |
| Flores | McMorris Rodgers | Tiberi |
| Forbes | Meehan | Tipton |
| Fortenberry | Meeks | Turner |
| Foxx | Mica | Upton |
| Franks (AZ) | Miller (FL) | Walberg |
| Gallegly | Miller (MI) | Walden |
| Gardner | Miller, Gary | Walsh (IL) |
| Garrett | Mulvaney | Webster |
| Gibbs | Murphy (PA) | West |
| Gibson | Myrick | Westmoreland |
| Gingrey (GA) | Neugebauer | Whitfield |
| Gohmert | Nugent | Wilson (SC) |
| Goodlatte | Nunes | Wittman |
| Gosar | Nunnelee | Wolf |
| Gowdy | Olson | Womack |
| Granger | Palazzo | Woodall |
| Graves (GA) | Paul | Yoder |
| Graves (MO) | Paulsen | Young (AK) |
| Griffin (AR) | Pearce | Young (FL) |
| Griffith (VA) | Pence | Young (IN) |
| Grimm | Peterson | |
| Guinta | Petri | |
| Guthrie | Pitts | |
| Hall | Platts | |
| Hanna | Poe (TX) | |
| Harper | Polis | |
| Harris | Pompeo | |
| Hartzler | Posey | |
| Hastings (WA) | Price (GA) | |
| Hayworth | Quayle | |
| Heck | Reed | |
| Heller | Rehberg | |
| Hensarling | Reichert | |
| Herger | Renacci | |
| Herrera Beutler | Ribble | |
| Huelskamp | Rigell | |
| Huizenga (MI) | Rivera | |
| Hultgren | Roby | |
| Hunter | Roe (TN) | |
| Hurt | Rogers (AL) | |
| Issa | Rogers (KY) | |
| Jenkins | Rogers (MI) | |
| Johnson (IL) | Rohrabacher | |
| Johnson (OH) | Rokita | |
| Johnson, Sam | Rooney | |
| Jones | Ros-Lehtinen | |
| Jordan | Roskam | |
| Kelly | Ross (AR) | |
| King (IA) | Ross (FL) | |
| King (NY) | Royce | |
| Kingston | Runyan | |
| Kinzinger (IL) | Ruppersberger | |
| Kissell | Ryan (WI) | |
| Kline | Scalise | |
| Labrador | Schilling | |
| Lamborn | Schmidt | |
| Lance | Schock | |
| Landry | Schrader | |
| Lankford | Schweikert | |
| Latham | Scott (SC) | |
| LaTourette | Scott, Austin | |
| Latta | Scott, David | |
| Lewis (CA) | Sensenbrenner | |
| Lipinski | Sessions | |
| LoBiondo | Shimkus | |
| Long | Shuler | |
| Lucas | Shuster | |
| Luetkemeyer | Simpson | |
| Lummis | Smith (NE) | |
| Lungren, Daniel E. | Smith (NJ) | |
| Mack | Smith (TX) | |
| Manzullo | Southerland | |
| Marchant | Stearns | |
| Marino | Stivers | |
| McCarthy (CA) | Stutzman | |
| McCaul | Sullivan | |
| McClintock | Terry | |
| McCotter | Thompson (PA) | |
| McHenry | Thornberry | |
| McIntyre | Tiberi | |
| McKeon | Tipton | |
| McKinley | Turner | |
| McMorris Rodgers | Upton | |
| Meehan | Walberg | |
| Meeks | Walden | |
| Mica | Walsh (IL) | |
| Miller (FL) | Webster | |
| Miller (MI) | West | |
| Miller, Gary | Westmoreland | |
| Mulvaney | Whitfield | |
| Murphy (PA) | Wilson (SC) | |
| Myrick | Wittman | |
| Neugebauer | Wolf | |
| | Womack | |
| | Woodall | |
| | Yoder | |
| | Young (AK) | |
| | Young (FL) | |
| | Young (IN) | |

NOES—168

| | | |
|---|---|---|
| Ackerman | Frank (MA) | Nadler |
| Altmire | Fudge | Napolitano |
| Andrews | Garamendi | Neal |
| Baca | Gonzalez | Olver |
| Baldwin | Green, Al | Owens |
| Barrow | Green, Gene | Pallone |
| Bass (CA) | Grijalva | Pascrell |
| Becerra | Gutierrez | Pastor (AZ) |
| Berkley | Hanabusa | Payne |
| Berman | Hastings (FL) | Peters |
| Bishop (GA) | Heinrich | Pingree (ME) |
| Bishop (NY) | Higgins | Price (NC) |
| Blumenauer | Himes | Quigley |
| Boswell | Hinchey | Rahall |
| Brady (PA) | Hinojosa | Rangel |
| Braley (IA) | Hirono | Reyes |
| Brown (FL) | Holden | Richardson |
| Butterfield | Holt | Rothman (NJ) |
| Capps | Honda | Roybal-Allard |
| Capuano | Hoyer | Rush |
| Cardoza | Inslee | Ryan (OH) |
| Carnahan | Israel | Sánchez, Linda T. |
| Carney | Jackson (IL) | Sanchez, Loretta |
| Carson (IN) | Jackson Lee (TX) | Sarbanes |
| Castor (FL) | Johnson (GA) | Schakowsky |
| Chu | Johnson, E. B. | Schiff |
| Cicilline | Kaptur | Schwartz |
| Clarke (MI) | Keating | Scott (VA) |
| Clarke (NY) | Kildee | Serrano |
| Clay | Kind | Sewell |
| Cleaver | Kucinich | Sherman |
| Clyburn | Langevin | Sires |
| Connolly (VA) | Larsen (WA) | Slaughter |
| Conyers | Larson (CT) | Smith (WA) |
| Cooper | Lee (CA) | Speier |
| Costa | Levin | Stark |
| Costello | Lewis (GA) | Sutton |
| Courtney | Loebsack | Thompson (CA) |
| Critz | Lofgren, Zoe | Thompson (MS) |
| Crowley | Lowey | Tierney |
| Cummings | Luján | Tonko |
| Davis (CA) | Lynch | Towns |
| Davis (IL) | Maloney | Tsongas |
| DeFazio | Markey | Van Hollen |
| DeGette | Matheson | Velázquez |
| DeLauro | Matsui | Visclosky |
| Deutch | McCarthy (NY) | Walz (MN) |
| Dicks | McCollum | Wasserman Schultz |
| Dingell | McDermott | Waters |
| Doggett | McGovern | Watt |
| Doyle | McNerney | Waxman |
| Edwards | Michaud | Weiner |
| Ellison | Miller (NC) | Welch |
| Engel | Miller, George | Woolsey |
| Eshoo | Moore | Wu |
| Farr | Murphy (CT) | |
| Filner | | |

NOT VOTING—13

| | | |
|---|---|---|
| Barton (TX) | Gerlach | Richmond |
| Burton (IN) | Giffords | Wilson (FL) |
| Campbell | Moran | Yarmuth |
| Fattah | Pelosi | |
| Frelinghuysen | Perlmutter | |

□ 1848

Ms. ZOE LOFGREN of California and Mr. HOLDEN changed their vote from ''aye'' to ''no.''

Messrs. POLIS and ROSS of Arkansas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Mr. Chair, on rollcall No. 207, had I been present, I would have voted ''no.''

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 303, not voting 9, as follows:

[Roll No. 208]

AYES—120

Altmire
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Boren
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Coffman (CO)
Connolly (VA)
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Grijalva
Gutierrez
Hanabusa
Harris
Hayworth
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Lance
Langevin
Larson (CT)
Lee (CA)
Lofgren, Zoe
Luján
Lynch
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McDermott
McNerney
Meehan
Miller (NC)
Miller, George
Mulvaney
Murphy (CT)
Nunes
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Peters
Pingree (ME)
Pitts
Polis
Reyes
Ribble
Roskam
Rothman (NJ)
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schweikert
Scott (VA)
Sewell
Sires
Slaughter
Speier
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walsh (IL)
Watt
Wilson (FL)
Woolsey
Wu

NOES—303

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
McCaul
McClintock
McCollum
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Barton (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Pelosi
Richmond

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Thirty seconds remain in this vote.

□ 1856

Mrs. NAPOLITANO, Ms. BROWN of Florida, Ms. RICHARDSON, and Messrs. RANGEL, WAXMAN, and RUSH changed their vote from ''aye'' to ''no.''

Ms. SLAUGHTER and Mr. CICILLINE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MARKEY. Mr. Chair, during rollcall vote number 208 on H.R. 658, on the Garrett of NJ amendment, I mistakenly recorded my vote as "no" when I should have voted "yes."

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 8, as follows:

[Roll No. 209]

AYES—161

Ackerman
Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Filner
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Wu

NOES—263

Adams
Aderholt
Akin
Alexander
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz

Chandler
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
Weiner
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1900

Messrs. RUSH and CONYERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 17, as follows:

[ROLL NO. 210]

AYES—174

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—241

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—17

Barton (TX)
Berg
Bishop (GA)
Brady (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Herrera Beutler
Kinzinger (IL)
Rangel
Richmond
Rooney
Sánchez, Linda T.
Waxman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1903

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 235, not voting 10, as follows:

[Roll No. 211]

AYES—187

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wittman
Woolsey
Wu
Yarmuth
Young (IN)

NOES—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NOT VOTING—10

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1907

Mr. BOREN changed his vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 227, not voting 10, as follows:

[Roll No. 212]

AYES—195

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Benishek
Berg
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crenshaw
Cuellar
Culberson
Denham
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—227

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)

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

NOT VOTING—10

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

□ 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 SHUTDOWN 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 shutdown 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 lo 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 cosponsor 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 LaTourette-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 railworker 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 LaTourette-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 reinstituted 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 overshot 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 strengthen 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.

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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.

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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 airports 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.

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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.

□ 2040

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 leaderships, 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:

2900-AN59) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

961. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-20) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

962. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax consequences to homeowners, mortgage servicers, and state housing finance agencies of participation in the HFA hardest hit fund and the emergency homeowners' loan program [Notice 2011-14] received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

963. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 Calendar year Resident Population Estimates [Notice 2011-15] received March 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SMITH of Texas: Committee on the Judiciary. House Concurrent Resolution 13. Resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions (Rept. 112–47). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. Report on Oversight Plans for All House Committees (Rept. 112–48). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 194. Resolution providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes (Rept. 112–49). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. POE of Texas:

H.R. 1277. A bill to authorize the Secretary of Homeland Security to make grants for public-private partnerships that finance equipment and infrastructure to improve the public safety of persons who are residents of rural areas of the United States near the border with Mexico by enhancing access to mobile communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Ms. NORTON, Mr. BUTTERFIELD, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. COLE, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LUCAS, Mr. BISHOP of Georgia, Mr. CLAY, Mr. BOREN, Ms. LEE of California, Mr. WATT, Mr. CLEAVER, Mr. PRICE of North Carolina, Ms. FUDGE, Ms. MOORE, Ms. RICHARDSON, and Ms. CLARKE of New York):

H.R. 1278. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CHAFFETZ (for himself and Mr. HOLT):

H.R. 1279. A bill to amend title 49, United States Code, to establish limitations on the use of advanced imaging technology for aircraft passenger screening, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. ROYCE, Mr. SHERMAN, Mr. FORTENBERRY, and Mr. MARKEY):

H.R. 1280. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIBBLE (for himself, Mr. STUTZMAN, Mr. KINGSTON, Mr. BENISHEK, Mr. DESJARLAIS, Mr. MULVANEY, Mr. FLORES, Mr. GIBBS, Mr. FINCHER, Mr. DUNCAN of South Carolina, Mr. NUGENT, and Mr. RIGELL):

H.R. 1281. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on rulemaking actions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDWARDS (for herself, Mr. VAN HOLLEN, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. MORAN, Mr. CUMMINGS, and Mr. CONNOLLY of Virginia):

H.R. 1282. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BOREN, Mr. HUNTER, Mr. WALZ of Minnesota, Mr. RYAN of Ohio, Mr. MCKINLEY, Mr. LOEBSACK, Mr. SABLAN, Mrs. BLACKBURN, Mr. KISSELL, Mr. FORTENBERRY, Ms. SUTTON, Ms. BORDALLO, Mr. HOLT, and Mr. CUELLAR):

H.R. 1283. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BACA:

H.R. 1284. A bill to amend title 10, United States Code, to enhance the suicide prevention program of the Department of Defense by specifically requiring suicide prevention training during recruit basic training, preseparation counseling, and mental health assessments; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 1285. A bill to amend title 10, United States Code, to prohibit certain increases in fees for military health care before fiscal year 2014; to the Committee on Armed Services.

By Mrs. BACHMANN (for herself, Mr. KINGSTON, Mr. GOHMERT, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. REHBERG, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. GRAVES of Missouri, Mr. TIPTON, Mr. SCALISE, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. MANZULLO, Mr. PEARCE, Mr. LAMBORN, Mr. FLEMING, Mr. BENISHEK, Mr. FLORES, Mr. FORTENBERRY, Ms. BUERKLE, Mr. CANSECO, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HARRIS, Mrs. HARTZLER, and Mr. SCHWEIKERT):

H.R. 1286. A bill to provide for fiscal accountability for new direct funding under the Patient Protection and Affordable Care Act by converting its direct funding into authorizations of appropriations and by rescinding unobligated direct funding; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mr. HARRIS, Mr. HELLER, Mr. HERGER, Mr. HUELSKAMP, Mr. JOHNSON of Ohio, Mr. LANDRY, Mr. LATTA, Mr. LAMBORN, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mr. PEARCE, Mr. PENCE, Mr. POSEY, Mr. ROE of Tennessee, Mr. SIMPSON, Mr. WALBERG, and Mr. YOUNG of Alaska):

H.R. 1287. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. MCINTYRE, and Mr. FORTENBERRY):

H.R. 1288. A bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COHEN:

H.R. 1289. A bill to permit each State to have 3 statues on display in the United States Capitol; to the Committee on House Administration.

By Mr. COHEN:
H.R. 1290. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE:
H.R. 1291. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR:
H.R. 1292. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. CICILLINE, and Mr. LANGEVIN):
H.R. 1293. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. FATTAH (for himself, Mr. POLIS, Mr. GRIJALVA, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. HONDA, Mr. MEEKS, and Mr. JACKSON of Illinois):
H.R. 1294. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Education and the Workforce.

By Mr. FATTAH (for himself and Mr. HONDA):
H.R. 1295. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FORBES:
H.R. 1296. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself and Mr. KINGSTON):
H.R. 1297. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. RUNYAN, Mr. ANDREWS, and Mr. SMITH of New Jersey):
H.R. 1298. A bill to direct the Secretary of Veterans Affairs to conduct cost-benefit analyses for the provision of medical care by the Department of Veterans Affairs in certain geographic areas served by multiple Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. WALBERG, Mr. QUAYLE, Mr. ROGERS of Alabama, Mr. LONG, Mr. MCCAUL, Mr. WALSH of Illinois, Mr. POE of Texas, Mr. BILIRAKIS, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. CANSECO, Mr. DANIEL E. LUNGREN of California, Mr. COFFMAN of Colorado, and Mrs. MCMORRIS RODGERS):
H.R. 1299. A bill to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):
H.R. 1300. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:
H.R. 1301. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. PETERS, Mr. HIMES, and Mr. POLIS):
H.R. 1302. A bill to make the Federal budget process more transparent and to make future budgets more sustainable; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HOLT, Ms. NORTON, Mr. MEEKS, Ms. MOORE, Mr. SCOTT of Virginia, and Mr. TOWNS):
H.R. 1303. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. SABLAN:
H.R. 1304. A bill to amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program, and for other purposes; to the Committee on Small Business.

By Mr. SHULER:
H.R. 1305. A bill to prohibit Members of Congress, including the Delegates and the Resident Commissioner to the Congress, and the President from receiving pay during Government shutdowns; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:
H.R. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:
H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. ROONEY:
H. Con. Res. 32. Concurrent resolution expressing the sense of Congress that the President should adhere to the War Powers Resolution and obtain specific statutory authorization for the use of United States Armed Forces in Libya; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself and Mr. SMITH of New Jersey):
H. Res. 193. A resolution calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States; to the Committee on Foreign Affairs.

By Ms. FUDGE:
H. Res. 195. A resolution expressing support for designation of the week of March 28, 2011, through April 1, 2011, as National Assistant Principals Week; to the Committee on Education and the Workforce.

By Mr. GIBSON:
H. Res. 196. A resolution supporting the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces who are serving overseas apart from their families and loved ones; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

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

By Mr. POE of Texas:
H.R. 1277.
Congress has the power to enact this legislation pursuant to the following:
Article 1 Section 8 Clause 1

By Mr. SULLIVAN:
H.R. 1278.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Sec 3, Clause 2
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. CHAFFETZ:
H.R. 1279.
Congress has the power to enact this legislation pursuant to the following:
This law is enacted pursuant to Article I, Section 8, Clause 1, and the 4th and 14th Amendments to the U.S. Constitution.

By Ms. ROS-LEHTINEN:
H.R. 1280.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, clause 18.

By Mr. RIBBLE:
H.R. 1281.
Congress has the power to enact this legislation pursuant to the following:
Clause 18 of Section 8 of Article 1 of the Constitution.

By Ms. EDWARDS:
H.R. 1282.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section I
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

By Mr. LATHAM:
H.R. 1283.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. BACA:

H.R. 1284.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clauses 12, 13, 14, 16, and 18.

By Mrs. BACHMANN:

H.R. 1285.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight, wherein it states ''Congress shall have power . . . to raise and support Armies.''

By Mrs. BACHMANN:

H.R. 1286.

Congress has the power to enact this legislation pursuant to the following:

This legislation returns to Congress its power to review this funding annually and exercise full oversight as defined by Article I Section 7 of the United States Constitution. Additionally, this bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 1287.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BUTTERFIELD:

H.R. 1288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. COHEN:

H.R. 1289.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. COHEN:

H.R. 1290.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. COLE:

H.R. 1291.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2.

By Mr. CUELLAR:

H.R. 1292.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ELLISON:

H.R. 1293.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4.

By Mr. FATTAH:

H.R. 1294.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

By Mr. FATTAH:

H.R. 1295.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States;

By Mr. FORBES:

H.R. 1296.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 and Article I, Section 8, Clause 18

By Mr. GOHMERT:

H.R. 1297.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets for the power of appropriations states that ''No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law . . . .''

In addition, Article I, Section 8, Clause 1 states that ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .''

Also, Article I, Section 8, Clauses 12 and 13 states that Congress shall have power ''[t]o raise and support Armies . . .'' and ''[t]o provide and maintain a Navy.''

Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds to ensure that U.S. servicemembers will not lose pay due to a funding gap.

By Mr. LoBIONDO:

H.R. 1298.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mrs. MILLER of Michigan:

H.R. 1299.

Congress has the power to enact this legislation pursuant to the following:

Preamble: Provide for the common defense

By Mr. MURPHY of Connecticut:

H.R. 1300.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Ms. NORTON:

H.R. 1301.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of section 8 of article I of the Constitution.

By Mr. QUIGLEY:

H.R. 1302.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. RANGEL:

H.R. 1303.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1, (relating to the general welfare of the United States) and clause 5 (relating to the coinage of money)

By Mr. SABLAN:

H.R. 1304.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States. Under Section 8, Congress may make laws necessary or proper for the execution of its powers.

By Mr. SHULER:

H.R. 1305.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 6 of Article I of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 1306.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. PRICE of Georgia:

H.J. Res. 53.

Congress has the power to enact this legislation pursuant to the following:

Article V whereby the U.S. Constitution may be altered.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. BENISHEK.

H.R. 24: Mr. FILNER and Mr. PITTS.

H.R. 44: Ms. BALDWIN.

H.R. 58: Mr. SHULER and Mr. COLE.

H.R. 100: Mr. POSEY and Mr. SAM JOHNSON of Texas.

H.R. 104: Mr. CRENSHAW and Mr. LATHAM.

H.R. 157: Mr. RUPPERSBERGER.

H.R. 178: Mr. ALTMIRE.

H.R. 181: Mr. KISSELL, Mr. CUELLAR, and Mrs. HARTZLER.

H.R. 198: Mr. WHITFIELD.

H.R. 284: Ms. CHU and Mr. STARK.

H.R. 287: Mr. RUSH and Mrs. CAPPS.

H.R. 301: Mr. WOLF.

H.R. 303: Mr. RUNYAN, Mr. SHULER, and Mr. ROSS of Arkansas.

H.R. 308: Ms. BROWN of Florida.

H.R. 321: Mr. JOHNSON of Georgia.

H.R. 358: Mr. DUFFY and Mr. AMASH.

H.R. 400: Mrs. NAPOLITANO.

H.R. 412: Mr. HULTGREN, Mr. LUETKEMEYER, and Mr. OWENS.

H.R. 420: Mr. SHULER, Mr. COFFMAN of Colorado, Mr. TERRY, Mr. GINGREY of Georgia, Mr. CRITZ, Mr. HELLER, Mr. TIBERI, Mr. RAHALL, Mr. KISSELL, Mr. CARTER, Mr. SCALISE, and Mr. ROGERS of Alabama.

H.R. 456: Ms. FUDGE.

H.R. 459: Mr. CONYERS.

H.R. 472: Ms. HANABUSA.

H.R. 476: Mr. CANSECO.

H.R. 481: Mr. VAN HOLLEN.

H.R. 501: Ms. BORDALLO.

H.R. 529: Mr. MCDERMOTT.

H.R. 539: Mr. COURTNEY.

H.R. 595: Mr. GIBSON.

H.R. 615: Mr. SHULER.

H.R. 625: Mr. WOLF and Mr. RANGEL.

H.R. 651: Mr. DEFAZIO, Mr. JOHNSON of Illinois, Mr. RUSH, and Mr. WATT.

H.R. 663: Mr. BARLETTA and Mr. COFFMAN of Colorado.

H.R. 674: Mr. SCHOCK, Mr. OLSON, Mr. FILNER, Mr. CUELLAR, Mr. MANZULLO, Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. ROE of Tennessee, Mr. LATOURETTE, Mr. SENSENBRENNER, and Mr. AUSTRIA.

H.R. 680: Mr. FORBES, Mr. MILLER of Florida, Mr. HARPER, Mr. KINGSTON, and Mr. KING of Iowa.

H.R. 683: Mr. COHEN, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Ms. BROWN of Florida.

H.R. 687: Mr. GRIFFIN of Arkansas.

H.R. 692: Mr. FORBES.

H.R. 721: Mr. TIPTON, Mr. LATHAM, Mr. DENHAM, Mr. YARMUTH, Mr. CRITZ, and Mr. HANNA.

H.R. 725: Mr. TURNER, Ms. SUTTON, Ms. KAPTUR, Mr. RENACCI, and Mrs. SCHMIDT.

H.R. 729: Mr. LEWIS of Georgia.

H.R. 733: Mr. DONNELLY of Indiana, Mr. TIBERI, and Ms. TSONGAS.

H.R. 740: Mr. HOLDEN.

H.R. 745: Mr. FLORES.

H.R. 747: Mr. VAN HOLLEN.

H.R. 769: Mrs. LOWEY.

H.R. 791: Mr. BURTON of Indiana, Mr. MCGOVERN, and Mr. HARRIS.

H.R. 819: Mr. BOSWELL, Ms. BERKLEY, Mr. KISSELL, Mr. SCHRADER, Mr. BISHOP of New York, Mr. WELCH, Ms. SPEIER, Mr. DONNELLY of Indiana, Ms. PINGREE of Maine, Mr. COOPER, Ms. TSONGAS, and Mr. MATHESON.

H.R. 820: Ms. MATSUI, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.

H.R. 831: Mrs. MCCARTHY of New York.

H.R. 840: Mr. SESSIONS and Mr. RIGELL.

H.R. 875: Mr. POSEY.

H.R. 883: Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, and Mr. COURTNEY.

H.R. 891: Mr. COURTNEY and Ms. RICHARDSON.

H.R. 895: Mr. DANIEL E. LUNGREN of California, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. SHERMAN, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, and Mr. HUNTER.

H.R. 910: Mr. REED and Mr. HURT.

H.R. 927: Mr. VISCLOSKY.

H.R. 932: Mr. SAM JOHNSON of Texas.

H.R. 942: Mr. BOSWELL.

H.R. 951: Mr. FORBES.

H.R. 959: Mr. POLIS.

H.R. 977: Mr. UPTON.

H.R. 984: Mr. AUSTIN SCOTT of Georgia, Mr. TIPTON, Mr. COFFMAN of Colorado, and Mr. WALBERG.

H.R. 997: Mr. HELLER, Mr. COBLE, Mrs. CAPITO, Mr. LATHAM, Mr. ALTMIRE, Ms. JENKINS, Mr. PETRI, Mr. DUNCAN of South Carolina, and Mr. KING of New York.

H.R. 998: Ms. HANABUSA and Mr. BISHOP of New York.

H.R. 1003: Ms. BORDALLO.

H.R. 1006: Mr. POE of Texas.

H.R. 1013: Mr. COURTNEY.

H.R. 1016: Mr. CUMMINGS, Mr. HONDA, Ms. NORTON, and Mr. FILNER.

H.R. 1017: Mr. PASCRELL and Mr. FRANK of Massachusetts.

H.R. 1027: Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. MCDERMOTT, Mr. FATTAH, and Mr. PASCRELL.

H.R. 1046: Mr. WOLF.

H.R. 1051: Mr. BURGESS.

H.R. 1054: Mr. WELCH.

H.R. 1058: Mrs. HARTZLER and Mr. PITTS.

H.R. 1061: Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. CHAFFETZ, and Mrs. MYRICK.

H.R. 1063: Mr. ROSS of Florida and Mr. COBLE.

H.R. 1065: Mr. ROSS of Florida, Mr. OLVER, and Mr. KEATING.

H.R. 1075: Mr. ROE of Tennessee and. Mr. HENSARLING.

H.R. 1081: Mr. SENSENBRENNER, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. AL GREEN of Texas, Mr. THORNBERRY, and Mr. COURTNEY.

H.R. 1085: Mr. INSLEE.

H.R. 1090: Ms. HIRONO, Mr. OLVER, and Ms. ROYBAL-ALLARD.

H.R. 1092: Ms. BORDALLO, Mr. ROSS of Arkansas, Mr. PEARCE, Mr. KISSELL, and Mr. FILNER.

H.R. 1093: Mr. ROSS of Florida, Mr. SCALISE, Mr. SIMPSON, Mr. POE of Texas, Mr. JONES, Mr. CANSECO, Mr. TIBERI, Mr. FRANKS of Arizona, Mr. CRITZ, Mr. HELLER, Mr. GINGREY of Georgia, Mr. TERRY, Mr. COFFMAN of Colorado, Mr. BOREN, Mr. COLE, Mr. RAHALL, Mr. DINGELL, Mr. KISSELL, and Mr. SHULER.

H.R. 1100: Mr. GRIJALVA and Ms. HANABUSA.

H.R. 1106: Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Mr. BERMAN, and Mr. YARMUTH.

H.R. 1113: Ms. HANABUSA, Mr. MICHAUD, and Mr. JACKSON of Illinois.

H.R. 1119: Ms. SPEIER.

H.R. 1124: Ms. MCCOLLUM.

H.R. 1126: Mr. MACK.

H.R. 1147: Mr. MARCHANT.

H.R. 1154: Mr. BUCSHON and Mr. DENT.

H.R. 1161: Mr. STIVERS, Mr. OLSON, Mr. VISCLOSKY, Mr. BOUSTANY, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, and Mr. HINOJOSA.

H.R. 1164: Mr. KING of Iowa.

H.R. 1176: Ms. WOOLSEY.

H.R. 1182: Mr. NEUGEBAUER, Mr. PAUL, Mr. MANZULLO, Mr. WESTMORELAND, Mr. GARRETT, and Mr. PENCE.

H.R. 1186: Mr. HALL and Mr. BURGESS.

H.R. 1206: Ms. GRANGER.

H.R. 1207: Mr. TONKO.

H.R. 1211: Mr. MARINO and Mr. COFFMAN of Colorado.

H.R. 1212: Mr. DUNCAN of Tennessee, Mr. JONES, Mr. MCCLINTOCK, and Mr. GIBSON.

H.R. 1214: Mr. CHAFFETZ.

H.R. 1217: Mr. CHAFFETZ.

H.R. 1234: Mrs. MALONEY, Mr. LYNCH, Ms. MCCOLLUM, Mr. INSLEE, Ms. RICHARDSON, and Mr. LUJÁN.

H.R. 1250: Mr. BRADY of Pennsylvania, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. ANDREWS, Mr. JONES, Ms. MCCOLLUM, and Mr. RAHALL.

H.R. 1252: Mr. ROSKAM, Mr. SCHRADER, Mr. YOUNG of Indiana, Mr. PETERSON, Mr. TIBERI, Mr. DENT, Mr. KINZINGER of Illinois, Mr. SCHOCK, Mr. POLIS, Mr. COSTA, Mr. QUIGLEY and Mr. WELCH.

H.R. 1255: Mr. SCHWEIKERT, Mr. FITZPATRICK, Mr. HECK, Mr. JOHNSON of Ohio, Mr. HELLER, Mr. NUGENT, Mrs. MCMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. NUNNELEE, Mr. GUINTA, Mr. BISHOP of Utah, Mr. KINZINGER of Illinois, Mr. REED, Mrs. ADAMS, Ms. JENKINS, Mr. LAMBORN, Mr. QUAYLE, Mr. JONES, Mr. SCOTT of South Carolina, Mr. ROSS of Florida, Mr. DESJARLAIS, Mr. GRIFFIN of Arkansas, Mr. STEARNS, Mr. ROONEY, Mr. WEST, Mr. ROKITA, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. LATTA, Mr. YODER, Mr. PALAZZO, Mr. FLORES, Mr. LANDRY, Mr. CRAWFORD, Mr. SAM JOHNSON of Texas, Mr. KLINE, and Mr. BROUN of Georgia.

H.R. 1264: Mr. OLSON and Ms. JACKSON LEE of Texas.

H.R. 1266: Mr. TOWNS.

H.R. 1269: Mr. JACKSON of Illinois.

H.R. 1273: Mr. GONZALEZ, Mr. HINOJOSA, Mr. GUTIERREZ, and Ms. VELÁZQUEZ.

H.R. 1275: Mr. COURTNEY.

H.J. Res. 42: Mr. DAVIS of Kentucky and Mr. KLINE.

H. Res. 16: Mr. PITTS.

H. Res. 25: Mr. DENT, Mrs. NOEM, Mr. BRALEY of Iowa, Mr. PAUL, Ms. ESHOO, Mr. RAHALL, and Mr. DENHAM.

H. Res. 130: Ms. WOOLSEY.

H. Res. 137: Mr. PALLONE and Mrs. CAPPS.

H. Res. 159: Mr. LYNCH.

H. Res. 172: Mr. BURTON of Indiana.

H. Res. 180: Mr. PAYNE, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. SARBANES.

H. Res. 184: Ms. BERKLEY, Mr. FARENTHOLD, Mr. FILNER, Mr. HARPER, Mr. MICHAUD, Mr. SABLAN, Mr. WALZ of Minnesota, Mr. GRIJALVA, Ms. WILSON of Florida, Mr. MCGOVERN, and Mr. COHEN.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ISSA

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 1255 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 1255 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1081: Mrs. ELLMERS.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

*Vol. 157* WASHINGTON, THURSDAY, MARCH 31, 2011 *No. 45*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray

O God, You have given us the great hope that Your kingdom shall come on Earth. Use the Members of this body to work for that glorious day when Your will is done on Earth even as it is done in heaven. Open the minds of our Senators to the counsels of eternal wisdom, breathing into their souls Your peace which passes understanding. Give them the grace to seek first Your kingdom and help them to grow as You add to them all things needful. Lord, empower them through exemplary living to make this Nation a shining city upon a hill.

We pray in Your gracious Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 31, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## BUDGET NEGOTIATIONS

Mr. REID. Mr. President, we are continuing to work very hard to avoid the terrible consequences that would come with a government shutdown. As Vice President BIDEN announced last night after a 1½-hour meeting we had in his office just a few feet from where I speak, the Democrats and Republicans have agreed upon a number on which to base our budget cuts. That number is $73 billion below the President's budget proposal. Now we have to get to that $73 billion number.

As I said all along, this is not just about dollars and deficits; it is about principles and priorities. What we cut is much more important than how much we cut. The media is very concerned with which party will win this fight politically. I am much more concerned with making sure the American people do not lose out on this program we are doing. We have to make sure the cuts do not damage the basic fiber of our country.

Let me once again remind the Senate that children, students, teachers, nurses, and seniors would be significantly hurt by the cuts in the Republican-passed H.R. 1. The tea party is here today. They are here demonstrating that H.R. 1 should be followed—$100 billion—damaging children, students, teachers, nurses, seniors, and many other people in this country. H.R. 1 is not a piece of legislation of which anyone should be proud. Not a single child, not a single student, not a single teacher, not a single nurse, not a single police officer, not a single senior led us into this recession—not one. Punishing innocent bystanders will not lead us to a recovery.

We will continue talking and continue working to find a middle ground. Again, we have agreed on a number. We have not agreed on how to get to that number. I hope an agreement can be reached as to how we get to that number, but it will not come on the backs of middle-class families and the jobs they need, and it will not come if the other side continues to insist on unreasonable and unrealistic tea party cuts.

I appreciate Speaker BOEHNER and the rest of his Republican leadership in the House. What a tremendously difficult job they have. I am sure it is not easy trying to negotiate with the tea party screaming in their ears.

We have a lot more work to do. This country is at a crossroads in a lot of different ways. The economy is recovering—not as much and not as rapidly as we would like, but we cannot have what is going on here with the tea party demonstrating all these very harsh cuts, unrealistic riders, punishing innocent folks just for political ideology.

We have a lot more to do. I hope this latest development is the beginning of the end of this crisis because, remember, this is not the only crisis we as a country are dealing with. We have about a score of ships from our Navy trying to help the good people of Japan. We have a big situation going on in the Middle East, not only in Libya but all over the Middle East. We have a war going on in Afghanistan. As I speak, we have men and women whose lives are on the line in Afghanistan. We are trying to draw down in Iraq. We have a lot of issues we need to deal with.

We know there have to be budget cuts, and we are willing to do that. But



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let's also understand we cannot balance our budget with what the tea party is wanting us to do. We have a huge problem in this country with deficits. We have been a pretty good example of how we can balance the budget. We did it in the Clinton years. We spent far less money than we were taking in. We were reducing the debt. We were not having annual deficits. We know it can be done, but we have to do it in the right way, as we did.

We want to work with our Republican colleagues. We have proven we can do that with the two short-term CRs we have had. But I hope everyone understands that there is only so much the middle class of this country can take. There is only so much we can do to damage the basic fiber of our children, students, teachers, our nurses, and our seniors.

Head Start is a program that has been around for decades, and it helps a lot. It helps little boys and girls learn to read and do their math that they would not ordinarily have the opportunity to do. These are really poor children. H.R. 1 cuts hundreds of thousands of little boys and girls from that program. That does not help our country.

We know cuts must be made, but they must be smart cuts, and we want to do the best we can to work together to do whatever is reasonable to reduce this debt we have. We know it can be done. It has been done in recent history.

## SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business. During that period of time, Senators are permitted to speak for up to 10 minutes each. The first hour is equally divided and controlled, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

We hope to work out an agreement to vote on the 1099 and the EPA amendments to the small business jobs bill today. We have been trying to do that for several days. A number of Members of the Senate are attending the funeral for the late Geraldine Ferraro. Senators will be notified when votes are scheduled. They will be this afternoon at the earliest.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## TEA PARTY

Mr. MCCONNELL. Mr. President, anyone who follows national politics knows that when it comes to a lot of the issues Americans care about most, Democratic leaders in Washington are pretty far outside the mainstream. That is why we have one Democratic leader coaching his colleagues to describe any Republican idea as extreme, and that is why other Democrats are attempting to marginalize an entire group of people in this country whose concerns about the growth of the Nation's debt, the overreach of the Federal Government, and last year's health care bill are about as mainstream as it gets.

I am referring, of course, to the tea party—a loosely knit movement of everyday Americans from across the country who got so fed up in the direction they saw lawmakers from both parties taking our country a couple years ago that they decided to stand up and make their voices heard. Despite the Democratic leadership's talking points, these folks are not radicals. They are our next-door neighbors and our friends. By and large, they are housewives, professionals, students, parents, and grandparents. After last fall's election, a number of them are now Members of Congress.

Later on today, we will hear from many of them outside the Capitol. These are everyday men and women who love their country and who do not want to see it collapse as a result of irresponsible attitudes and policies that somehow persist around here despite the warning signs we see all around us about the consequences of fiscal recklessness. They are being vilified because, in an effort to preserve what is good about our country, they are politely asking lawmakers in Washington to change the way things are done around here. So this morning I thought we could step back and take a look at some of the things they are proposing and then let people decide for themselves who they think is extreme.

At a time when the national debt has reached crisis levels, members of the tea party are asking that we stop spending more than we take in. In other words, they are asking that Washington do what any household in America already does. They want us to balance our budget, and they do this because they know their history and that the road to decline is paved with debt. Is that extreme?

They want us to be able to explain how any law we pass is consistent with the Constitution. This means that as we write new laws, they want us to be guided by the document that every single Senator in this Chamber has sworn to uphold. Is that extreme?

They want us to cut down on the amount of money the government spends. This year, the Federal Government in Washington is projected to spend about $1.6 trillion more than it has. That means we will have to borrow it from somewhere else, driving the national debt even higher than it already is. What is more, the Obama administration plans to continue spending like this for years, so that within 5 years, the debt will exceed $20 trillion. Given these facts, you tell me: Is it extreme to propose that we cut spending?

What else? Well, a lot of people in the tea party think the health care bill the Democrats passed last year should be repealed and replaced with real reforms that actually lower costs. Is that extreme?

Here is a bill that is expected to lead to about 80,000 fewer jobs, which will cause Federal health care spending to go up, compel millions to change the health care plans they have and like, and which is already driving individual and family insurance premiums up dramatically. Businesses are being hammered by its regulations and its mandates. A majority of States are working to overturn it. Two Federal judges have ruled one of its central provisions violates the U.S. Constitution.

None of this sounds extreme to me. In fact, if you ask me, the goals of the tea party sound pretty reasonable. These folks recognize the gravity of the problems we face as a nation and they are doing something about it for the sake of our future. They are engaged in the debate about spending and debt, which is a lot more than we can say about the President and many Democrats here in Congress. They are making their voices heard and they have succeeded in changing the conversation here in Washington from how to grow government to how to shrink it.

In my view, the tea party has had an overwhelmingly positive impact on the most important issues of the day. It has helped focus the debate. It has provided a forum for Americans who felt left out of the process to have a voice and make a difference. It is already leading to good results.

It may take some time, but thanks to everyday Americans like these getting involved, speaking their minds, and advocating for commonsense reforms, I am increasingly confident we will get our fiscal house in order. Republicans are determined to do our part to advance the goals I have mentioned. That is why we have been fighting to cut spending in the near term, and that is why we will soon be proposing a balanced budget amendment. American families have to balance their budgets; so should their elected representatives in Washington. It is not too much to expect that lawmakers spend no more than they take in, unless you think it is extreme to balance the books.

That brings us to the heart of the matter. The last time the Senate voted on a balanced budget amendment, in 1997, the Federal deficit was a little over $100 billion. Today, it is about $1.6 trillion. Back then, the national debt was about $5.5 trillion. Today, it is closer to $14 trillion. Back then, the amendment failed by just one vote—just one. Today, Democrats are already lining up against it.

What is extreme is the thought that government can continue on this reckless path without consequence. What is extreme is thinking we can blithely watch the Nation's debt get bigger and bigger and pretend it doesn't matter. What is extreme is spending more than $1.5 trillion than we have in a single year. This is the Democrats' approach. That is what is extreme.

The sad truth is, as our fiscal problems have become deeper, Democrats in Washington and many others in statehouses across the country have become increasingly less concerned about the consequences. Look no farther than the ongoing spending debate in which Democrats have fought tooth and nail over a proposal to cut a few billion dollars at a time when we are borrowing about $4 billion a day and our national debt stands at $14 trillion; the President has set the debate out entirely; and Democrats have the nerve to call anyone who expresses concern an extremist. If you are wondering where the tea party came from, look no further than that.

Mr. President, I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Washington is recognized.

## TESORO TRAGEDY ANNIVERSARY

Mrs. MURRAY. Mr. President, I come to the floor this morning to mark the 1-year anniversary of a terrible tragedy in my home State of Washington, and to once again honor the memories of those who were killed.

On April 2, 2010, a fire broke out at the Tesoro refinery in Anacortes, WA, and claimed the lives of seven workers: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell.

These were men and women who were taken too young, with so much life to live and with so many people to live it with. They were workers who took on tough jobs, worked long hours during difficult economic times to provide for their families. They were people who made tremendous sacrifices and who embodied so much of what is good about the community they lived in.

They have been dearly missed. Even now, 1 year later, there is nothing we can say to make the pain go away for the mothers and fathers, sons and daughters, coworkers, and family members who still bear those deep scars of loss. But the Anacortes community is strong, and while they have endured more than their fair share of pain over the years, their resiliency and compassion have carried them forward. Over the past year, we have seen homes and hearts and pocketbooks open to the families who lost so much because this community understands the pain of a loss such as this can't be overcome or forgotten. They know these families should never have to bear that pain alone.

We owe it to the Anacortes community to honor those they have lost. We owe it to them to do everything we can to make sure that such tragedies never happen again.

State investigators have determined that tragedy could have been and should have been prevented. The problems that led to what happened were known beforehand and they should have been fixed. That is heartbreaking.

Every worker in every industry deserves to be confident that while they are working hard and doing their jobs, their employers are doing everything they can to protect them. I want you to know I will keep working to make sure the oil and gas industry improves their safety practices, because we owe that to our workers and to their families and to communities such as Anacortes all across our country.

One year after that tragedy, my thoughts and prayers and condolences remain with the families who have endured so much pain, and my profound thanks goes out to the Anacortes community that has been with those families every step of the way.

I am proud to submit a Senate resolution with my colleague, Senator CANTWELL—which we will do later today—to recognize the anniversary of this tragedy on April 2, 2011, and I urge my colleagues to join in remembering those workers in Anacortes who were taken from us far too soon.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PUBLIC EDUCATION

Mr. BENNET. Mr. President, I wanted to come to the floor today to talk a little about the state of public education in this country, especially when it comes to the condition of poor children in the United States, in part because I think it is urgent that we fix No Child Left Behind—a law that is not working well for kids and for teachers, and for moms and dads all across the United States, and certainly in my home State of Colorado.

Sometimes people who aren't engaged in the work of teaching our kids—which I think is the hardest work anybody can do, short of going to war—don't realize how horrific the outcomes are for children in this great country of ours, especially children living in poverty. When I am on this floor, where there are 100 desks—there are 100 Senators—I sometimes think a little about what the condition of the people here would be if they were not Senators, but if these 100 people were poor children living in the United States in the 21st century.

First of all, it is important to recognize that of the 100 Senators—or the 100 kids in this great country—42 of the 100 would be living in poverty. Forty-two out of the 100 would be poor. Of those Senators—now poor children living in this country—as this chart shows, by the age of 4 they would have heard only one-third of the words heard by their more affluent peers. They are living in poverty, and they have heard 13 million words. A child in a professional family has heard 45 million words. There isn't a kindergarten teacher in this country who wouldn't tell you that makes an enormous difference right out of the chute.

Also by age 4, only 39 of the 100 children can recognize the letters of the alphabet—just 39 of 100 by age 4. In contrast, 85 percent of the children coming from middle-class families can recognize the letters of the alphabet. Again, there is not a kindergarten teacher or a high school teacher who wouldn't tell you that makes an enormous difference to kids when they come to school in terms of their readiness to learn.

But what happens when they are actually in our schools? By the fourth grade, only 17 out of 100 children in poverty can read at grade level—17. That is fewer kids than there are desks in this section of the Senate floor. The entire rest of the floor would be kids who cannot read at grade level by the fourth grade. These kids are reading at grade level. Everyone else all across this beautiful Chamber would not be able to read at grade level in America in the 21st century. Only this section can read proficiently by the fourth grade.

What happens as they stay in school? It gets worse. By the eighth grade, only 16 of our kids can read at grade level. I could wander around the entire rest of this Chamber looking for somebody who can read proficiently, and I would not be able to find them. I have been in classrooms all across my State, all across the great city of Denver, and all across this country. In my view, there is nothing more at war with who we are as Americans or who we are as Coloradoans than a fifth grade child reading at the first grade level. There is a lot of discussion on this floor about your moral right to this and your moral right to that. I cannot think of anything less American than a child in the fifth grade doing first grade math.

Speaking of math, in a world where technology and engineering and invention are going to dominate the 21st

century economy, how are we doing in math? Seventeen of our kids in the eighth grade are proficient mathematicians.

When I took the job as superintendent of schools in Denver, a district of 75,000 children, one of the greatest cities in the greatest country in the world, on the 10th grade math test that the State administers, in that district of 75,000 children, there were 33 African-American students proficient on that test and 61 Latino students proficient on the test; fewer than four classrooms of kids proficient on a test which measures—if we are honest with ourselves, which we are not—a junior high school standard of mathematical proficiency in Europe. That is what we are doing to our kids.

By the end of high school, if this Senate were a classroom of poor children in this country, only 57 of us would be around to graduate and only 25 are actually ready for college or ready for a career. That is one-quarter of this room; 75, we can just write them off, 75 of these desks.

It gets even worse after that because, of our 100 children, only 9 will graduate from college. These two rows of desks represent children coming from ZIP Codes where they are living in poverty and who ultimately make it through to graduate from college. That is it—two rows in one section of the Senate. No one in these rows will graduate from college, and no one in any of these desks from here to the other side of this floor will graduate from college. That has been true for a generation.

If we do not do things differently, it is going to be true for this generation of kindergartners, if we do not change what we do.

Sometimes people think this is someone else's problem, that it is not a question of national interest. I cannot imagine why anybody would think that, but some people do. McKinsey, the consulting group, has done a study which shows the effect of this dropout rate we have creates a permanent recession in our economy as great as the one we have been through. In other words, if we were graduating these kids from college, our economic growth would be far greater than it is right now. We can see the effect in this recession we just came out of. For people with less than a high school diploma, the unemployment rate was 15.3 percent. We can see the numbers here. But if you had a bachelor's degree or higher, your unemployment rate was 4 percent; 15 percent versus 4 percent in this recession we just went through.

But the point is also that it creates a chronic recession, a drag on our economy, not to mention the fact that if we go to the prisons of this country and we ask people did you graduate from high school, the answer is that somewhere in the neighborhood of 85 percent of the people in our prisons are high school dropouts. It doesn't take a lot of imagination to see how we might start solving that problem by actually graduating kids from high school and getting them ready for college.

Again, this is not about we are kind of sort of doing OK. Nine kids from poverty, on average, are making it through to a college degree; 91 are not. It is not as though those odds are somehow fairly distributed across the population in the United States of America.

There are huge international implications for all this as well. We can see, these are our students compared to our international peers on the eighth grade math test. We can see our Anglo kids are scoring up here—Korea, Singapore, Japan, Anglo kids in the United States of America. The U.S. average is here, so we have to go Hungary, England, Russian Federation, U.S. average. I don't know why we would not want to be first, but we are not first.

But look at how our Latino kids are doing and our African Americans kids are doing. Armenia, Australia, Sweden, Malta, Scotland, Serbia, Italy—our Latino kids, way down here. Keep going, Malaysia, Norway, Cyprus, Bulgaria, Israel, Ukraine, Romania, our U.S. African-American students—right above Bosnia, two steps above Lebanon. Think of it through the eyes of one of our African-American students living in a neighborhood in poverty in Chicago or Denver or Los Angeles or Boston. What are the odds that they are actually going to be able to graduate, that they are going to be able to contribute to the democracy, contribute meaningfully to our economy, compete in this global economy? They are long. They are long and they know they are long.

We cannot fix this problem from Washington. But we can call attention to the question. We can create policies and suggestions about how people ought to do the work differently. Having served as a superintendent in an urban school district for almost 4 years and having spent time with our kids, spent time with our teachers, I know we can succeed. The kids have the intellectual capacity to do the work. There is no doubt they do. But they are in a system that was designed deep in the last century. In fact, if we are honest about it, a lot of the way the system was designed was in colonial America.

In my judgment, it is time for the burden to shift from the people who want to change the system to the people who want to keep it the same. There were nights sometimes in the school board meetings when people would come and they would say: MICHAEL, how do you sleep at night doing this and doing that and trying to change this and worrying about that?

I would say to them: The reason I can sleep at night is that I do not think we could do any worse than we are doing. We ought to think about stopping what we are doing and figure out how to change the way we think about recruiting, retaining, and inspiring teachers in the 21 century. We ought to elevate standards so we are not kidding ourselves across the country about whether we are competing with our international rivals and stop cheating our kids by telling them they are succeeding, when they are not, compared to the kids across the globe. We have to get out of the business of measuring things that do not make any sense to anybody right now who is working in the schools. Who cares how this year's fourth graders did compared to last year's fourth graders? What we need to know is how this group of fifth graders did compared to how they did as fourth graders, compared to how they did as third graders. That is common sense, but it is not the way the law works today.

I see my colleague from Georgia, but I wish to say this first. We cannot keep No Child Left Behind the way it is. It is contributing to the problem that is out there. It is making the work harder to do, not easier to do, for our teachers, for our principals, and for our kids. Our moms and dads are right to point out it is measuring the wrong thing and thinking about data in the wrong way. We ought to take this opportunity in a bipartisan way to fix No Child Left Behind, to lift some of that burden from our kids and from our teachers and our principals.

What we have to do as we are doing that is, we have to point to the places where it is actually working to demonstrate that the fact that you are born into a ZIP Code defined by poverty doesn't mean your life is going to be defined by poverty. We need to point to examples of people who have managed to struggle through, our schools that have managed to struggle through and beat the odds and are sending 95 and 98 percent of their poor children on to get a college degree. We need to be asking ourselves why we are not achieving that at scale.

I am the proud father of three little girls. I can tell you that if anyone in this body faced the same odds for their children or for their grandchildren that poor children in America face, there is no way we would not be talking about this issue night and day. In fact, people might give up. I might give up and rush home and say: I am going to take my kids out of that place they are in and I am going to put them in a place with the finest teachers and I am going to give up this Senate floor to make sure, as a parent, that I am involved in their education.

There is no way we would accept these odds for our own children. What I would argue is, the children I am talking about are our children. Remember, 42 out of 100 are living in poverty in this country. What is our answer for them?

I look forward to working with my colleagues on both sides of this aisle to not make excuses, to not find a reason why we cannot lead, to not find a reason why we cannot fix No Child Left Behind but, instead, to create some hope for children all across our country

living in urban and rural areas who are suffering this horrible plight.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that remaining time for the majority be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. I would like to be recognized as in morning business. I guess we are in morning business?

The ACTING PRESIDENT pro tempore. That is correct.

## THE BUDGET

Mr. ISAKSON. First, I wish to commend the Senator from Colorado and try to ratify what I heard him say. I came in after the first part of his speech, but I know his focus was on the Elementary and Secondary Education Act and No Child Left Behind. He is exactly right. There are reforms that do need to take place. We have gone 3 years without a reauthorization, and reauthorization, hopefully, can happen this year. When it does, we can improve the plight of our children, and we can reform the way we do some of the things we do in SEA to open new opportunities for our kids. But accepting the status quo, he is right, is not good enough. We need to make those reforms, and we need to make them now. I look forward to working with the Senator from Colorado in the Health, Education, Labor, and Pensions Committee when that issue comes up, to reform ESEA, get it reauthorized, to reempower our teachers, our students, our parents, and raise the level of education for all Americans.

I congratulate him for his great contribution to the State of Colorado and, further, to the Senate.

I wish to steal a line he just gave us 1 minute ago. When I walked in, he was saying there are some things Congress cannot do. He is right. Education does take place at the local level. There are some things we can fix in Washington, but it is primarily done at the local level.

But there is one thing Congress can fix; that is, our spending, our debt, and our deficit. For just 1 second, I wish to speak not in the tone of a politician, not as somebody who is a part of the institution, trying to talk about what he thinks, I wish to talk about what I think the people of Georgia think. The people of Georgia do not understand why we cannot do in Washington what they have had to do during the last 3 years. During the economic travails of the last 3 years, every American family has had to sit around their kitchen table, reprioritizing how they spend their money to deal with lower returns on their investments, the consequences of unemployment or underemployment. They have had to adapt to difficult economic times. Yet when they turn on the television and they look at C–SPAN, they do not see us adapting to the economic times we find ourselves in as a country. I was in the real estate business for 33 years and I do not understand a lot of things, but I understand leverage.

Leverage is a marvelous thing in capitalism. If you have proper leverage in real estate or proper leverage in business, it can make a lot of things happen. Leverage is good, but too much leverage is a death sentence and we are at a precipice in this country. We are at a precipice where we are about to fall off. If we all fall off, there is no recovery because continued deficit spending and continued increasing debts results in two things: inflating the dollar in future years to pay that debt off with cheaper dollars, which devalues every asset of every American family, and increasing the interest rates to unsustainable and unpayable amounts.

I lived through that one in the post-Carter years in 1980, 1981, and 1983 when we dealt with the Misery Index in America—double-digit inflation, double-digit unemployment, and double-digit interest rates. In my home State of Georgia today we have double-digit unemployment, 10.4 percent. Interest rates are low, but it is arbitrary, and they are getting ready to go up. The yield spread curve between 2-year Federal debt and 10-year U.S. debt is triple, which indicates the markets that are buying our debt are already looking out in the future and saying interest rates are going higher, three times what they are now, maybe more.

If you look at inflation, inflation is arbitrarily low right now. But with what is happening to food and prices, contributed by gasoline and petroleum, what we see happening in the world marketplaces, it is an inevitable factor, unless we get our arms around our debt and our deficit.

We owe about $14 trillion in debt. The deficit this year is over $1.5 trillion. Those are unsustainable numbers. We do not have to pay the debt off today. We do not have to reduce the deficit to zero. But we have to get ourselves on a glidepath to reducing our deficit and, in turn, reducing our debt over time. It means we have to sit down at our kitchen tables, the floor of the Senate and the floor of the House, prioritize what we are doing, and get to the business the American people expect us to get to.

We are playing some political games right now with short-term CRs, when the big votes, the big debates, and the big decisions loom ahead—first, the debt ceiling, later the fiscal year 2012 appropriations.

There are three things I hope we will do: No. 1 is recognize our system is broken and is not working. I did a little research. Most of my years in Congress, more dollars have been appropriated through omnibus appropriations than through legitimate debate and budget units on the Senate floor. We did not do any last year. The reason we are doing a CR this year on last year is because it was an omnibus appropriation.

We are not spending our money like the American people have to spend theirs. We are not prioritizing. We are not looking at cost-benefit analysis. We have to change our system. I am pleased to have joined with former Governor Shaheen of New Hampshire, a Democratic colleague, to introduce the Biennial Budget and Appropriations Act for the Congress, an act which mimics what 20 of our States, 40 percent of the country, already does: appropriate on a 2-year cycle rather than on a 1-year cycle; appropriate in odd-numbered years so that in even-numbered years, which also happen to be election years, we do not do appropriating, we do oversight. We spend a year not making political promises of what bacon we are going to bring home, but we spend a year looking for savings and redundancy and duplication and waste in Federal spending.

If we do not spend a minute looking back, we can never spend a minute looking forward. Right now we do not spend any time looking back and seeing where money is being spent and where it might be saved. We do not reprioritize what was introduced and established years ago. The Biennial Budget and Appropriations Act requires the President of the United States to submit a biennial budget, requires Congress to act on the independent budget units in a 2-year fashion, in the odd-numbered years, and requires the oversight in even-numbered years of every function of the Federal Government.

We do not do oversight anymore, and we are paying a terrible price for it. That is the first thing we need to do. Second, we need to understand that we need to appropriate our money the way the American people appropriate their money. They measure the benefit compared to the cost, and if the benefit to their family is not equal to or greater than the cost, they do not spend the money. But in the Congress, we do not measure cost-benefit analysis. We measure how much more we can spend in continuation than what we appropriated in a previous year. That is a broken system, and it is a broken cycle.

I commend Senator CORKER on his introduction of the CAP Act, which is the second part of what we need to do; that is, put ourselves on some type of fiscal constraint through a balanced budget amendment and through a spending cap.

A little known secret is 2 years ago the Nation of Israel confronted problems such as the ones we have today—burgeoning debt, a bigger deficit, and spending problems. Prime Minister Netanyahu and their Finance Minister sat down at their kitchen table in Tel Aviv and established a biennial budget process, 2-year appropriations rather than 1, of even-numbered year election oversight and odd-numbered appropriating.

Then they did a second thing. They put a cap on their debt, and they put a cap on spending. Do you know what happened in 2 years' time? Israel's GDP has grown by 7.9 percent. The International Monetary Fund and the World Bank have told the EU and some of the struggling countries in the EU such as Portugal and Spain that they should adopt a biennial spending process and the oversight process of a biennial budget and an appropriations act.

Well, I would say this: If 20 of our States are doing it, and they are 20 of our most fiscally sound States, beginning with New Hampshire and Nebraska and Oregon and States like that, and if Israel has done it and demonstrated, in difficult world economic times, they can grow their GDP by 7.9 percent and reduce their debt and cap their spending, and if the World Bank and International Monetary Fund are telling the European Union, which is in most difficult straits today, that it is part of the answer as to how they spend their money and getting an arm around their spending, then I think we should take a look at it, and it should be on the floor of the Senate being debated.

We have a window of opportunity. We have the chance to reform our spending process, to set ourselves on a glidepath to reducing our debt and reducing our deficit over time and sending a signal to the world market that the strong America they have known and invested in is going to be even stronger in the future.

But if we continue to dilly-dally around, trying to make political headway out of economic events, and push ourselves out in time on debt and deficit, we are going to have higher inflation, higher interest rates. We are going to devalue the assets of the American people and, worst of all, we are going to lose our place in the world.

I do not want to be a part of that. The President does not want to be a part of that. I do not think any Member of the Senate wants to be a part of that. So my encouragement to the leadership, Democratic and Republican alike, is, let's let the best ideas flow. Let's let them come to the floor of the Senate. Let's debate them. Let's invite the President to come and sit down with us and do the same thing.

Instead of taking entitlements off the table, they ought to be part of the discussion. Instead of saying there are some things we are not going to do and some things we will, we ought to be open and say we will look at everything, and then we will prioritize based on cost versus benefits. If we do that, we will do what the people of Georgia expect me to do, and I think what the people of the United States expect all of us to do.

We have a great country made great by a great people who made difficult decisions in difficult times. This is the difficult decision facing our time. I want to be one of the people who is a part of the solution, not a footnote in history at the beginning of the decline of the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LIBYA

Mr. SESSIONS. Mr. President, I have a couple of things to say this morning. First, and briefly, I want to, and probably will, support the military action in Libya. I have been inclined to think that careful, surgical use of our forces can make a positive difference to the degree it would be worth the risk of that involvement. But I am not really sure of that.

As a senior member of the Armed Services Committee, these are matters with which I am not totally unfamiliar. I was very confident from the beginning that we could execute a no-fly zone very effectively, and that—there is risk but not great risk because of our military capabilities. However, I do believe that over a number of years the Congress and the American people have expressed grave concerns over the executive branch committing the United States to military actions without full participation of the legislative branch. We have not used the declaration of war mechanism, truthfully, as the defining act for most of our military actions in recent years. We have used authorization of military force resolutions that authorized the President to utilize the military force.

We spent weeks doing that before the Iraq invasion—not weeks, months. In fact, as I recall, the authorization for utilization of military force in Iraq was passed in the fall, I believe October, and the actual invasion did not occur until the next spring, in March.

During that time, we had many hearings. We had full debate. There was resolution after resolution in the U.N, but Congress was fully on top of all of it. They knew what was at stake, and we voted. Some voted no and complained and continued to complain. But for the most part, those who voted no supported the action because we had been involved in a discussion that was real about the risk and so forth.

Then we had other actions, such as Grenada and Panama, that had less debate by Congress. People have not been happy about that. They believed there should have been more. In my opinion, the consultative process for this military engagement was unacceptable. It did not have to occur in this fashion. There was ample opportunity to discuss it.

Senator SUSAN COLLINS, on the Armed Services Committee, a few days ago, we had top Defense Department officials there. Admiral Stavridis, who is the commander of NATO forces, was testifying. She said: Well, we had time, it appears, to consult and get a vote in the U.N. We had time to consult and get a vote in NATO. The Arab League apparently found time to reach some sort of consensus, but we did not have time to involve the Congress.

Well, that struck me as a very legitimate and serious statement. I think Senator COLLINS was correct. There was ample opportunity to consult Congress. This was a war, to use a phrase in recent years, of choice. It was not a military action that was demanded because we had been attacked on our soil or in our legitimate bases somewhere around the world and we had to defend ourselves immediately.

So I am not happy about it. I think it is a big mess. I think Democrats and Republicans have the same unease about it, and I believe it is time for Congress to assert itself more effectively.

We had a briefing last night, 5 o'clock, 6 o'clock. It went 50 minutes. Frankly, I did not get a lot out of it. I heard little that I had not picked up from the cable news networks. We turned on the television this morning, and we saw news about the CIA involvement there, for good or ill. I did not hear that discussed at our briefing. It would have been nice to have heard it straight from the administration's leaders, rather than seeing it on television the next morning. So this is the kind of situation we are in. It is not acceptable. Congress must assert itself.

Based on what President Obama said back during the campaign about our reluctance to initiate military force, it is sort of surprising that we have not had more consultation.

Maybe it is an institutional tendency. Once you become President, you don't want to fool with Congress. They ask troublesome questions. They slow things down, maybe, although in this instance I think we had a lot quicker response from Congress than we got from the administration. Regardless, I think we are in front of that issue. It is time for Congress in a bipartisan way to ask itself, first, what do we expect, what is a minimum amount of congressional involvement? Then we need to make sure that every President hence forward complies with at least that.

I am also not happy at the way some resolution was passed here that seemed to have authorized force in some way that nobody I know of in the Senate was aware that it was in the resolution when it passed. I am very concerned about that.

## OMB NOMINATION

Mr. SESSIONS. Mr. President, we will have this afternoon a vote in the Budget Committee, of which I am ranking Republican, on the nomination of Heather Higginbottom to be President Obama's deputy budget director

at the Office of Management and Budget. OMB is a very critical part of the administration of any American government. OMB is the agency that controls, on behalf of the President, the lust of all agencies and departments to get more money for their budgets. They send up their requests. OMB is the control point for the President. He cannot sit down and negotiate every single dispute over funding. OMB handles that, controls it. If there is a real loggerhead debate between Cabinet officials and OMB, they can go directly to the President, and the President will decide it. But most times overwhelmingly decisions are made in OMB. It is that institution that is critical to contain the growing spending we have. It is a very important position.

I supported the appointment of Jack Lew for Director. He had been OMB Director under President Clinton. He was said to be the one to get credit for balancing the budget. I do remember that the House Republicans under Newt Gingrich fought over spending for months and years. Actually for a short period of time the government shut down. It looks as though it didn't destroy America. We are still operating. But they fought, and they balanced the budget. So Mr. Lew was there during that period of time. Certainly he deserves some credit. I was pleased to support him. But I was stunningly disappointed when Mr. Lew went on television and said the President's 10-year budget calls on America to live within its means, to not spend more than we take in, when over the 10-year budget, there is not a single year by the President's own budget, submitted by Mr. Lew, in which the deficit fell below $600 billion. And in the outyears the numbers were going up to about $800 billion.

Since Mr. Lew submitted the President's budget, the Congressional Budget Office, nonpartisan group, analyzed President Obama's budget and said it is far worse than that. The lowest single deficit we will have in 10 years is $748 billion. The highest deficit President Bush ever had was $450 billion.

This is unbelievable. This year the budget deficit is going to be over $1.4 billion. In the tenth year, CBO said Mr. Lew and President Obama's budget would call for a $1.2 trillion deficit, a clearly unsustainable path of surging debt in the outyears going up. That is why Mr. Bernanke, Federal Reserve Chairman, and Erskine Bowles, President Obama's chairman of the deficit commission, both said this is an unsustainable path.

Interest last year on the budget was about $200 billion. We paid out $200 billion to people in China and governments of China, Japan, all over the world and to American citizens who loaned us money so we can spend $3.6 trillion this year while we are only taking in 2.2. We have to borrow that money. We don't have that money. Forty cents of every dollar that is spent is borrowed. We get a budget for next year, blithely calling for education funding to be increased 10 percent, 11 percent, calling for the Energy Department to get a 9.5-percent increase, calling for the State Department to get a 10.5-percent increase, calling for huge increases in the Transportation Department, while inflation is 2 percent or less, and deficits are surging out of control. And what do they say? They say these are investments, but sometimes we don't have money to invest. How can I buy stock if I don't have any money? We don't have money. Reality has to break through.

The fact that the President continues to assert his budget calls on us to live within our means when it sets forth the most irresponsible surge of debt the Nation has ever seen is breathtaking. I am disappointed that Mr. Lew has mouthed the same phrases. He has said the same things.

Mr. Erskine Bowles, who cochaired the commission President Obama appointed, he and Alan Simpson a few days ago issued a statement when they testified before the Budget Committee. They said this country is facing the most predictable economic crisis in its history. When asked by Senator CONRAD, our chairman, about that, he said it could be 2 years, Mr. Bowles, maybe a little less, maybe a little more, we will have a crisis. Alan Simpson, cochairman of the commission, popped in and said he thinks 1 year; by the end of this year we could have a debt crisis. It is time to act and get on the right path and not be in denial as we are at this time.

I asked Ms. Higginbottom about some of these issues when she was before the committee to try to determine whether she understood the gravity of the situation which we are now in. I was not satisfied.

First, Ms. Higginbottom's experience level is stunningly lacking. She was a former campaign adviser to President Obama, has had no formal budget training or experience, not even a college class in economics. She said: I am not an accountant. No, she is not. She has never served on the Budget Committee. She never studied business, never ran a business, never was a mayor of a town, a county commissioner who had to balance a budget or served in a Governor's office in any way, shape, or form. She has campaigned for Senator KERRY. The highest job she has had was legislative director, not the Chief of Staff who manages the staff, but the legislative director for Senator KERRY who testified for her.

She is a fine person. I think she seems in every way to be a decent person and would be a good legislative director in the Senate. But to be the person who looks a Cabinet official in the eye and says: Secretary Smith, you are asking for X billion dollars and we don't have it. OMB says you don't get it. Who can talk to the American people and tell them we are in a fiscal crisis that could lead to a debt crisis to put us in another recession, a double dip? I don't think she has any comprehension of that. How could she? This is not her experience. She has been a political operative, a legislative operative. When pressed about it, she basically said: The President's budget is a policy document.

At this point in history, OMB needs to be thinking about dollars and cents, needs to be thinking about debt. This idea that we can spend and invest regardless of the financial consequences that will inevitably accrue is false. We need to be listening to someone like Erskine Bowles. We need someone like Erskine Bowles in charge of the OMB. When the President announced his budget, that very day, Mr. Bowles said it came nowhere close to doing what is necessary to get this country on the right track, nowhere close. We need somebody of seriousness who understands the threat this country is facing.

They say you have objected to her because she is young. I have never mentioned the word ''young.'' But she is young. But the most important thing is, she does not have the kind of experience in business or accounting or budgeting or responsibility for management that one would look for in the second in command of the OMB, the most central unit in our entire governmental structure committed to containing wasteful spending. We need somebody who will go after waste, fraud, and abuse.

Being a former Federal prosecutor, a little experience in going after criminals who are trying to steal from us wouldn't hurt. It would be of some value. But she doesn't have that.

Despite the fact that she is a person of character and a good personality and is liked, she is not the right nominee, and, in my view, the nomination should not go forward, and I object to it.

I know in the Homeland Security and Government Affairs Committee, where she also had a hearing, Senator SCOTT BROWN asked her a number of questions.

He asked:

You'll be No. 2. And if Director Lew is not there, you will be No. 1, potentially. In that respect, I would presume you would be dealing with accounting and budgeting, obviously, problems within OMB. Is that a fair statement?

Higginbottom: Sure, uh-huh.

Brown: So I guess my original question is, what type of budgeting and accounting experience do you have?

Higginbottom: I have done a lot of policymaking.

Senator Brown: All right. I understand that. But I guess I'm asking, do you have any accounting or budgetary experience aside from dealing in policy matters?

Higginbottom: I am not an accountant, but the President's budget is an articulation of his policy agenda.

I think that fails to evidence an understanding of the difficult role the OMB has.

My staff director for the minority in the Senate Budget Committee served in OMB for a while—such a wonderful person. One reason he came to my attention was because a member of President Bush's administration, whom I know well, said he had to go to him and try to ask him to approve additional funding for a department or agency, and he said he could say no, and he would do it in a way that he showed he understood what we were talking about but he would not give in, and he made you respect him for it.

Well, that is kind of the nature of the OMB. All these agencies and departments want to ask for more money for their departments—they can do all these good things—and somebody has to say: This is putting us over the limit. This is putting us over our budget. We do not have this kind of money.

I hope we can get the kind of serious leadership in that office that does not seem to be present today by virtue of the language that indicates that our OMB believes we have a good budget that lives within our means. Both Director Lew and President Obama have repeatedly said the President's budget allows us to live within our means, ''spend money that we have each year'' and ''begin paying down our debt.''

Five or six fact check organizations that analyze statements to see if they are accurate have found these statements to be false. And they are plainly, utterly false. The lowest deficit we are going to have, under the President's Budget, according to the CBO, is $748 billion in the next 10 years. The lowest annual deficit. And our interest payment will increase from $200 billion this year to over $900 billion in 2012.

Mr. President, I do not know what time is left on this side. There is no time left? I will wrap up and say it is for those concerns I have expressed that I will not support Heather Higginbottom as OMB Deputy Director, even though she has many fine qualities, as Senator JOHN KERRY set forth in his testimony on her behalf, although he was not able and did not contend that she has experience in budget, accounting, or finance.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

## CLEAN AIR ACT

Mr. CARDIN. Mr. President, sometime today we are going to get back to the SBIR bill, the bill that deals with helping our small businesses with innovation and growth so we can create more jobs and continue to lead the world in innovation, so we can win that international competition the President talks about. We need to do that by outeducating and outinnovating and outbuilding our competitors. Part of that is helping our small business community with innovation. The bill that is on the floor—the authorization of the SBIR program—helps small, innovative companies in order to create jobs and help America grow.

I take this time, though, to urge my colleagues to reject all of the amendments that may be offered that would take away from the Environmental Protection Agency their ability to enforce our Clean Air Act. I say that because I truly believe—I think most people believe; and it has been proven over history—we can have a clean environment and we can grow our economy. In fact, I think if we do not have a clean environment, it is going to be more difficult for us to grow our economy.

We need to do what is right for the people of this Nation as it relates to their public health. The Clean Air Act has been one of the most important bills to protect the public health of the people of this Nation.

Carbon emissions are pollution. They are polluting our environment. They are causing respiratory ailments. They are making it more difficult for people who have respiratory illness to be able to breathe. We have children with asthma who are directly affected by the quality of the air they breathe.

It is our responsibility to take care of our children. It is our responsibility to make sure they have clean air. The Clean Air Act has helped us deal with those needs. We want the enforcement of the Clean Air Act to be based upon science, not the political whims here in Washington. We want the scientists to tell us what we can do to protect our public health. That is what the Clean Air Act and its enforcement is about, and it is being done in a way that allows our economy to grow.

There are some here who say: Well, some of these amendments are a temporary holdback from what EPA can do to enforce our laws by putting a moratorium on enforcement. Well, we all know what happens with moratoriums. We do not know whether we will ever get beyond those short-term delays. We do not want to go down that path.

What do you do if you are a business and you are trying to do what is right with the investments of your company to comply with the Clean Air Act and now you are being told, well, maybe those rules will change? How do you make the necessary investments in your company without knowing the ground rules are the ground rules? Let's not go down that path. That would be the wrong way to go.

Let me give an example in my own State of Maryland where we have seen that a clean environment is good for our economy.

In 2007, the Maryland legislature passed the Healthy Air Act. Let me tell you something, Mr. President. Since the creation of that bill, it created thousands of jobs. It created more opportunity for the people of Maryland. Constellation Energy invested $1 billion in compliance with the 2007 Healthy Air Act, reducing its $SO_2$, $SO_X$ emissions by 85 percent and mercury by 80 percent. We have seen in our State of Maryland that the Healthy Air Act created jobs and has provided healthier air for the people of Maryland.

Let me tell you something, air knows no boundary. We have helped our surrounding States. The problem is, the people of Maryland are downwind from other States we wish were making the same type of commitments we are making in Maryland.

Let's at least maintain the standards of the Clean Air Act. This is the wrong bill to consider this issue anyway. Remember, I started by saying we will be taking up the small business bill to help our small business communities with innovation—SBIR: innovation and research. That is the bill we are on. Yet my colleagues want to attach to this bill amendments that would restrict the Environmental Protection Agency from doing its responsibility on behalf of the public to protect our clean air.

Let me give you by way of example—we tried this. The EPA is the cop on the beat to make sure the polluters do not pollute our air. We at one time had a cop on the beat for the financial markets, and we sort of eased that up because we said we needed to do that for business. What happened is, we had a financial meltdown.

We do not want to go down the same path on protecting the public health of the people of this Nation by removing the cop on the beat. That would be the wrong thing to do. I urge my colleagues to reject those types of amendments.

Let me tell you something: The public gets this. Seven out of ten Americans want us to enforce our Clean Air Act against the polluters. Seven out of ten Americans do not want us to weaken the laws of this country that protect the public health of the people of America.

We cannot afford to turn the clock back on our clean air policies and we cannot turn the clock back on the health of our citizens. I urge my colleagues to reject each and every one of these amendments that may be offered that would restrict the enforcement of the Clean Air Act against the polluters of America.

Let's speak out for our children, let's speak out for clean air, let's speak out for our future, and let's speak out for our economic growth which very much depends upon a clean environment.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

## CONTRACTING OVERSIGHT

Mrs. MCCASKILL. Mr. President, I am honored to chair a subcommittee of

the Homeland Security and Governmental Affairs Committee that focuses on contracting oversight. I can stand here with certainty and tell my colleagues and America and Missourians that contract problems in the Federal Government are substantial, they are expensive, and they have to be fixed.

While we are all focused right now on trying to make the Federal Government spend less money and be more efficient, there are times that contracting problems have significant consequences beyond that of money being misspent or wasted. Sometimes contracting problems have human consequences. One example would be some of our soldiers who were electrocuted because of substandard contracting work as it relates to showers in Iraq when they were standing up for us in a military conflict.

Last summer, a problem surfaced relating to Arlington National Cemetery, and this was a contracting problem. So last summer, my subcommittee held a hearing on the contracting incompetence at Arlington and what the consequences of that incompetence were. As heartbreaking as it is, we learned that because of mismanagement of contracts at Arlington, graves had been misidentified and remains had been buried someplace other than where families had been told they had been buried. Obviously, this is a breathtaking revelation when we think about what Arlington National Cemetery means to the veterans of this country and to our Nation. It is sacred ground. It is the kind of place that America needs to know is being run well and that the remains of our heroes are being handled with the utmost deference, respect, and dignity, and certainly Americans have the right to know we are burying our heroes exactly where their families are told they are being buried.

In the committee hearing last summer, I estimated, based on what we knew at that time, that as many as 6,600 graves had been misidentified. The Army responded quickly and forcefully. I wish to recognize that Kathryn Condon, the Executive Director of the Army National Cemeteries Program, and Pat Hallinan, the Superintendent of Arlington National Cemetery, have been responsive and I think have been working hard to clean up this mess. However, we now have recent reports which indicate that maybe I underestimated the significance of this problem and maybe this problem is much larger than I even anticipated. At the time, when I used those numbers, people seemed to think I was exaggerating.

So we introduced a bill to make sure there is accountability as it relates to Arlington, with a number of cosponsors, including Senator BROWN, who was the ranking member of the committee at the time, along with Senator COLLINS and Senator BURR and Senator LIEBERMAN.

We introduced a bill that would aim at accountability at Arlington, requiring some reporting to us in 9 months, requiring that the Secretary of the Army continue to be held accountable on this huge problem at Arlington National Cemetery.

I think now is the time to get some interim information because information has now surfaced that potentially many more graves have been mishandled. There is now a criminal investigation because we had eight urns discovered in one grave site last fall as we were working on this legislation.

While I am glad the legislation has become law, that doesn't change the urgency of the situation. I have today written to the Secretary of the Army, Secretary McHugh, and I have asked for immediate information on an interim basis about what has happened to clean up this mess at Arlington, where they are in the process, and what is the truth about graves that have been identified, have not been identified, and potentially never will be identified.

I have asked the following information of Secretary McHugh:

First, I want to know the number of grave sites that have been physically examined to identify the remains there. I want to know how many grave sites have been determined to be incorrectly identified, labeled, or occupied, and the methodology used to make that determination. I want to know immediately how many families have been contacted regarding problems with the grave sites and the number of families who have requested that those grave sites be physically examined. I want to know what the procedure is for contacting families regarding actual or potential problems with the grave sites and how these procedures have been implemented since our hearing last July. I want to know from the Army how they will be able to correctly identify all grave sites by the end of the year and the estimated costs and time required to complete an examination of that nature.

I have asked the Secretary of the Army to respond to this letter in a week. I have asked what progress they have made. This is not something we can sweep under the rug and say we have done the best we can. This is not that kind of problem. I have veterans all over Missouri who walk up to me when I am in the grocery store, when I am at the mall, wherever I am, and say: Don't give up on fixing Arlington; it is too important to all of us.

I do not want this cloud hanging over Arlington National Cemetery. I have been honored to attend funerals at Arlington National Cemetery. I compliment the Army for the job they do in terms of the Honor Guard and the dignity those services embrace. But management has a challenge. I want to make sure this does not go off the radar screen in terms of a problem that has to be fixed. It has to be fixed because of the values we embrace in this country.

I look forward to the response from the Secretary of the Army. I look forward to continuing to work with Kathryn Condon and Patrick Hallinan, who I do know are trying, but this is something we have to continually be transparent about in terms of reporting to the public the progress we are making so every family member and every American, when they go to Arlington National Cemetery, doesn't ever have to wonder if they are showing respect to the hero at the grave site that is identified on the marker.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## EPA AUTHORITY

Mrs. BOXER. Mr. President, I rise today—and I am staying close to the floor today—because I am very concerned that the Senate is going to vote on some very detrimental proposals for the American people which have to do with, for the first time that I can tell in history, telling the Environmental Protection Agency it no longer can enforce the Clean Air Act as it relates to carbon pollution. We know carbon pollution is dangerous, insidious, and we know that if, in fact, the EPA is stopped from enforcing the Clean Air Act, our families will suffer, they will get asthma, they will have more heart attacks and strokes, they will miss work days, and they will die prematurely. That is the primary reason I rise this morning.

## GOVERNMENT SHUTDOWN

Mrs. BOXER. Mr. President, I also wish to take some time to talk about a real crisis looming in front of us, which is the possibility of a Federal Government shutdown.

I have lived through a Federal Government shutdown, and I can tell you, whether you are someone who is trying to get on Social Security or Medicare, whether you are living near a toxic waste dump that suddenly doesn't get cleaned up, whether you are concerned about enforcement at the border—I could go on and on—there will be a lot of suffering.

If you are a Federal employee who works for a living, you will not get paid. Mr. President, for me, the issue is, if Federal employees do not get paid, then why on Earth should Members of Congress get paid? We are Federal employees. We work for the government at the pleasure of the people. Sometimes they are not so happy about it and they don't get much pleasure, but the fact is that we are elected and we work as U.S. Senators, and our paychecks come from the Federal Treasury. Why should we get paid if we

fail to reach an agreement to do the basic work of keeping this government open?

Years ago, when we faced this, it was with Speaker Gingrich, who brought it on. I hate to say that, but I am very concerned that we are going to see a repeat from the Republican House. Let me tell you the reason. We had an election—and, boy, I noticed that one in 2010 because I was in it. My Republican friends in the House are fond of saying ''we won.'' They did take back the House. They did. They won the House. Guess what. They did not take back the Senate. The Democrats have a clear majority here. The President is still the President, and he is a Democrat. People will have their say, and we will get to that in 2012.

Here is the point. There are three parts of the government that are involved in the budget showdown, the budget dialog. Those three parts are the House—and we know where they are. They came up with $60 billion worth of cuts. And then you have a bill that they wrote, H.R. 1, that not only had $60 billion worth of cuts but all of these extraneous legislative riders that proclaimed the EPA has to stop the cleanup of the Chesapeake Bay; that EPA can no longer enforce the Clean Air Act relating to certain types of pollution; that there will be no more money going to Planned Parenthood—no matter that they serve 5 million people and do all the necessary things to stop women's health problems, such as STDs—no, they are zeroed out. So there is a vendetta against them and against National Public Radio. That is what is in H.R. 1.

H.R. 1 was voted on here, and it did not pass. Now we are sitting down with our colleagues to try to work on the budget, not these extraneous riders. If you want to repeal the Clean Air Act, have the guts to come here, put it on the floor, send it through the committees, and let's see where you get. You won't get very far. That is why they are trying to do it through the back door. Let's have a budget bill.

I believe that the Democrats, although we control two-thirds of the government—a third is the House, a third is the Senate, and a third is the White House—we are willing to meet them about halfway. Well, that is fair. That is more than fair. But we have rallies by the extreme rightwing. They have every right to do it, and I welcome them with open arms, but they do not speak for the majority of the people.

I want to get back to why I think it is important that these Members of Congress who are talking very openly about a shutdown have some skin in the game. Let them have to suffer no paychecks. Why should others suffer no paychecks, whether you are someone who works the parks or someone who works at Social Security or Medicare or someone who cleans up toxic waste sites or someone who works on the border. There isn't going to be any penalty for them.

I can only say that it has been 30 days—here it is on the chart—since the Senate passed a bill that said: No budget, no pay. No raising the debt ceiling, no pay. That is what it said. We sent it over to the House, and what has Mr. BOEHNER done with that bill? Nothing. Now, that is plenty of time to talk about doing away with Planned Parenthood and about all these things they want to do to harm women's health. They want to repeal the entire health care bill. I guess now they want to refund the money or get back the money the seniors got to help them pay for prescription drugs. I guess they don't think it is good to be able to keep your kid on your policy until they are 26. I guess they think it is fine for the insurance companies to kick you out when you get sick. When it comes to saying we will not get paid if there is a shutdown, he has not taken up this bill. Thirty days.

I intend to be on this floor every day—31, 32, 33, whatever the days are. That is plenty of time.

By the way, there is a bill by Congressman MORAN. ERIC CANTOR said we should not get paid. I don't know if you know what they did, Mr. President. They wrote a bill that said we won't get paid, but in that bill, it says H.R. 1 will be deemed having passed if the Senate doesn't pass it by April 6. So they have taken the most extreme bill in American history, with cuts that experts say—including Mark Zandi, a Republican economist—will lose us 700,000 jobs, a bill that is so extreme that it tells the EPA it can't enforce the law, and then they attach to it the ''no budget, no pay.'' Not good enough. H.R. 1 is not passing. They can say they deem it passed. That is like my saying I deem every bill that I write passed.

I have written a lot of bills, including the Violence Against Children Act. Bills that I have passed give tax breaks to people who work at home. I have had bill upon bill. I would love to say that if we don't act on it, I deem it passed. What are they talking about over there? It is odd behavior. It is odd. I don't know what else to say.

By the way, we have 15 people on our bill. They are: Senators CASEY, MANCHIN, TESTER, NELSON of Nebraska, BENNET, WARNER, WYDEN, COONS, HARKIN, HAGAN, MENENDEZ, STABENOW, MERKLEY, ROCKEFELLER, and you, Mr. President, SHERROD BROWN of Ohio. We are willing to say, if there is no budget deal, we should not get paid.

I do not know whether the American people understand this, but if they did, I think they would be very upset because we have a special statute that protects our pay. Our staff is not protected. To my knowledge, the people who work here are not protected. Members of Congress and the President are protected in the case of a shutdown. There is a special statute. They get paid.

All we are saying is that is wrong. If this government shuts down, that is wrong or, if we fail to raise the debt ceiling and we start not making our payments and defaulting and America goes into a cycle we have never seen before, we do not deserve a penny of pay.

By the way, our bill says no retroactivity either. The American people have a right to expect us to work. Social Security checks must continue to arrive. Veterans must receive their benefits. Passports have to be issued. Superfund sites have to be cleaned. Oil wells have to be inspected. Export licenses must be granted. Our troops must be paid. If we fail to keep the government open because of politics, because some group is rallying—I do not care what end of the spectrum they are from—if we cave to that kind of pressure, we do not deserve to be paid. It is as simple as that. We should be treated like any other Federal employee—no better, no worse.

This is so deja vu because, in 1995, similar legislation passed the Senate. But guess what. It never passed the House.

We have a Member of Congress complaining that he does not make enough money. Let's talk about that, I say to everybody. In a video, tea party-described Republican Congressman SEAN DUFFY of Wisconsin said he could not pay his bills on his $174,000 salary.

Now listen, he has a lot of compassion for himself, but he does not seem to have that compassion for people who earn $50,000 or $60,000 or $40,000 or $20,000—a lot less than he makes. But he says it is real tough to live on $174,000. I know he has a big family. God bless each and every one of them. But let us not be so selfish. If you have compassion for yourself, have it for your fellow human beings. No budget, no pay, Mr. DUFFY. I am sorry.

If our colleagues over there who are very extreme—and I know there was a big article that Democrats are calling the budget proposals over there extreme. They are. If they are going to stand on that far right line and hurt the women of this country and hurt the families of this country and hurt the children of this country and hurt the seniors of this country and they are not willing to meet us halfway when they only control one-third of the government and they do not agree and this government shuts down, yes, Mr. DUFFY, you should not get your pay. We need to have the same pain inflicted on us as is inflicted on others.

The Speaker and ERIC CANTOR can say anything they want over there. They can say whatever they want. Free speech, absolutely. But their actions speak louder than their words. When they say, oh, they don't think they should get paid, but they fail to pass a freestanding bill as we did, they are not serious at all. They put it in a bill that is ridiculous on its face. I never heard of passing a bill that says another bill is deemed law. Yes, it is hard for me to explain that.

Anyone who studies how the Federal Government works knows we pass

these bills and then we send them to the President and then they are the law. What he says is, even though we already voted down H.R. 1, if we do not pass something else, H.R. 1 is deemed to have passed and then it goes to the President. This makes no sense. It is a new way of passing bills that is made up by the Republicans in the House.

It is interesting that the Members whose paychecks the Speaker is protecting are the same ones who are saying we should have a government shutdown. Today we know the tea party is holding a rally demanding a government shutdown if H.R. 1, with all its political vendettas against women and children and families—that, in fact, there ought to be a shutdown if H.R. 1 does not pass, even though a leading Republican economist, Mark Zandi, said it would cost us 700,000 jobs.

The Senate voted down H.R. 1. It only got 44 votes. Wake up and smell the roses. It is gone. H.R. 1 will never rear its head again. So if you are rallying for a bill that only got 44 votes, that makes no sense. Why not rally to call on us to come together, to meet in the middle, to compromise? That is what the American people want. Do you think I want to meet the Republicans in the middle and slash the type of programs we have to slash? No; I am very unhappy about it, but I am willing to do it for the good of the country. Then let the American people decide in the next election if these are the priorities they share.

H.R. 1 would kick hundreds of thousands of kids out of Head Start. It would stop tens of thousands from getting grants to go to college. How does that make us stronger? It does not.

Representative TOM ROONEY, a Republican from Florida, said: I don't see how we can avoid a shutdown. I have news for him. We can by working together, by crafting a budget where the numbers are right in the middle, and then any of these political vendettas should come back in the form of other legislation.

Congresswoman MARTHA ROBY said yesterday the tea party ''would not settle for a split-the-baby strategy,'' which I guess means she is not for compromising. It is my way or the highway. I want to ask the American people rhetorically: Is that fair? The people who run one-third of the government want 100 percent of it their way. I do not think so. I do not think it would work that way in a family. That is not right. They control one-third of the government and they want 100 percent of what they want. It is not right on its face.

Seventy-three percent of the American people say a government shutdown would be a bad thing for our country. So when the tea party says: Shut down the government if we don't get 100 percent of what we want, they are out of touch.

We will do our part. I am glad Speaker BOEHNER is back at the negotiating table, but I have to say, we are not going to get anywhere if anyone says at that table: My way or the highway. That is over.

H.R. 1 is gone—because you pass a bill that says if the Senate does not act and pass the bill it is deemed law sounds like an April fool's joke. Today is the 31st. Maybe that is what it is, an April fool's joke. Again, I do not know how they came up with this idea.

Where we are is very clear. We are in a situation where we hope the government will not shut down, but yet there are Members in the House who are threatening a shutdown. We have a situation where 30 days ago we passed no budget, no pay for Members of Congress and the President, and they still have not taken it up.

We sent a letter to Speaker BOEHNER. I ask unanimous consent to have printed in the RECORD the letter to Speaker BOEHNER.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, March 30, 2011.*

Hon. JOHN BOEHNER,
*Office of the Speaker,*
*Washington, DC.*

DEAR SPEAKER BOEHNER: Nearly one month has passed since Democrats and Republicans in the Senate came together and unanimously passed S. 388, legislation to prohibit Members of Congress and the President from receiving any pay during a government shutdown.

Despite the Senate's bipartisan effort, and requests from members for immediate action, you have taken no steps to hold a vote on this important legislation.

As you know, in the event of a government shutdown, Members of Congress and the President would be treated differently from millions of other Federal employees. While Federal employees would not get paid, Members of Congress and the President would still receive a paycheck because we are paid through mandatory spending, rather than through annual appropriations.

Recently, a number of House Republicans have publicly stated that a government shutdown is unavoidable, and have gone so far as to significantly downplay the negative impact it would have on our economy.

Since members of your caucus are openly predicting a government shutdown, the time to pass this bill is now. Members who want to shutdown the government should not continue to receive a paycheck while the rest of the nation suffers the consequences. Members of Congress and the President should be treated no differently than every other federal employee; we too should have to face the consequences of our actions.

While appearing on the CNN program ''Crossfire'' in 1995, you offered your support for a bill that is identical to S. 388, so it is unclear why you have not scheduled a vote. The closer we get to the expiration of the Continuing Resolution without passage of this legislation, the more it becomes apparent that your primary interest is in protecting the paychecks of your colleagues.

It is essential that we work together to avoid a government shutdown, but if we cannot do our jobs and keep the government functioning, we should not get paid.

We again request that the House immediately take up and pass this legislation in the same bipartisan spirit demonstrated by the Senate. We ask for your immediate response.

Sincerely,

Barbara Boxer; Debbie Stabenow; Jon Tester; Ron Wyden; Michael F. Bennet; Sheldon Whitehouse; Robert P. Casey, Jr.; Robert Menendez; Joe Manchin, III; Jeff Merkley; Claire McCaskill; Daniel K. Inouye; Barbara A. Mikulski; Mark Begich; Jeanne Shaheen; Richard Blumenthal.

Mrs. BOXER. Mr. President, we call on him and say: It has been 30 days, let's get our act together. We need to feel the pain ourselves just as all the others will feel the pain.

## CLEAN AIR ACT

Mrs. BOXER. Mr. President, the reason I am staying close to the floor today, more than any other reason, is the fact that, for the first time in history, Congress is going to play scientist, Congress is going to play doctor, Congress is going to decide what to do in terms of enforcing the Clean Air Act. This runs counter to the American people.

Leading public health groups are saying: Please do not stop the EPA from enforcing the Clean Air Act. They are the American Lung Association. I ask: When we think of the American Lung Association, what do we think about? We think about doctors who want to help patients, who do not want to see little boys, such as this boy, gasping for air. It is our job to stand for the health of the people.

If I ever had any other reason for being here—and I have been here a while, thanks to the good people of California—it is to make sure our people are protected to the best of our ability. We look at Japan, at what is happening there, and we know how it felt when we had the BP oilspill and how we all did everything in our power to make things better.

One way we have made things better over these years, since the Clean Air Act passed—and I will show a graph of Los Angeles—one way we have made things better for the people is the Clean Air Act. We all know we do not always do things perfectly around here. We are only human, and we make mistakes. But I have to say, I was not here when the Clean Air Act was signed. It was signed by Richard Nixon. I have a lot of issues with Richard Nixon on a lot of other issues, but Richard Nixon set up the EPA. That was a Republican effort, and now our Republican friends are literally taking a dagger to the Clean Air Act.

The Clean Air Act is supposed to be based on science, not politics. If the scientists tell us and the health experts tell us carbon pollution is a danger to our families and they pass an endangerment finding and the Supreme Court says, once an endangerment finding is passed, you must act to clean up the air, if that is what happens, Congress should keep its nose out of it for two reasons: One, it will lead to little boys, such as this little boy, having to

gasp for air if we interfere with the Clean Air Act; two it works. The Clean Air Act works.

On this graph, in 1976, there were 166 days in Los Angeles where people were urged to stay indoors. There was a health advisory. When you can see the air, that is bad, and you could see the air on those days. That is what happened in the 1970s. Through the years, because of the work of the Environmental Protection Agency and local people and State people who worked with them, we wound up with no health advisories in Los Angeles in 2010. What an unbelievable record.

Now Members of Congress want to mess with that. It is ridiculous. If it isn't broke, why are we fixing it? It works. They say they are doing it because of jobs—it is going to cost jobs. Well, we know for a fact that was the same thing that was said in the 1970s and we have had the greatest track record of job creation. If we took the job creation from the 1970s into 2010, and we looked at how many jobs there were created, it is huge. We have had, of course, some of the greatest expansions in our history, notwithstanding the fact that we had a very fine Clean Air Act in place.

And guess what. When you clean up the air, you create jobs. You actually create jobs. There is no doubt about it. Clean energy businesses are created. We became the world leader in many environmental technology categories, and we are the world's largest producer and consumer of environmental technology, goods, and services. How proud are we of that? We should be proud of it. Instead, we may be facing a series of votes today or Monday—I don't know exactly when—that would, in fact, interfere with EPA's functioning.

Some of the amendments are worse than others. The McConnell amendment is the worst of the worst of the worst. Guess what it does. It says forevermore the EPA cannot ever enforce the Clean Air Act as it pertains to carbon. That is the worst of all. But all of them would stop the EPA in its tracks right now from enforcing the law.

Look at the environmental technology industry. It is pretty impressive. We have 119,000 firms that generate $300 billion in revenues, $43 billion in exports, and support 1.7 million jobs. We have small- and medium-sized companies that make up 99 percent of these private-sector firms. That is the issue, because we have small- and medium-sized firms that want to see us keep on cleaning up the air, versus the very large, old energy, big polluters—huge polluters—the chemicals, the oil, the coal, et cetera.

I want to work with all companies, small and large, because we are going to need a mix of energy sources, but it has to be cleaner, and that is what the EPA has done over the years with its work. It has made sure the industries get cleaner and cleaner. And every time they say: Don't do it, we will lose jobs. We will lose business. We will go into recession. But the opposite has proven to be true.

In a letter dated March 29, numerous clean energy and conservation organizations said:

> Stopping the EPA from doing its job now means more Americans will suffer ill health; not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created at home.

Health experts oppose amendments that weaken the Clean Air Act. They are against all of these amendments. They say these amendments would interfere with EPA's ability to implement the Clean Air Act—a law that protects public health and reduces health care costs for all.

It is an obvious point: If someone never gets asthma, their health is better and costs are lower. Simple as that. So everyone who is a leader on health care ought to understand when people get sick because you voted to weaken the EPA's enforcement of the Clean Air Act, that has a cost. It has a cost to these kids.

I will show another picture of a little girl, a beautiful little girl, who is suffering and struggling and gasping for air. That, to me, is the picture of what this debate is all about. Whose side are we on, her side or the biggest, most powerful polluting industries in the country? It is a choice we have to make.

The Republicans in the House have taken the worst of these environmental bills and they have put them on H.R. 1, and they want H.R. 1, H.R. 1, H.R. 1—pay back all the big polluters in the country who supported them. But it doesn't make sense on any level. It doesn't make sense on jobs, doesn't make sense in terms of the health of our people, and it is politically unpopular.

Let us take a look at a recent poll that was done. This was done all across the country by a Republican polling firm and a Democratic polling firm, and let me show what came out of it: 69 percent say the EPA Clean Air Act standards should be updated with stricter air pollution limits. People want cleaner air. They see their kids gasping.

I said the other day, if you go into any school in your State and ask the children how many of you have asthma, probably about a quarter of them will raise their hands. And if you say, how many of you know a child with asthma, it is about 50 percent of the crowd.

Asthma is a very difficult condition. I listen to Senator LAUTENBERG all the time talk about how it is with his grandson, who has bad asthma. His mother, every time she takes him to play a baseball game or she is away from home, has to make a search to see where is the nearest emergency room. This isn't a benign situation. It is a serious situation for children and adults. So that is why the American people are saying, well, wait a minute; we want the EPA to clean up the air. We don't want Congress involved. The American people are smart.

Look at what this poll says. Remember, this was taken February 16 of this year. This is the height of politics in this country, fighting this side and that side. The poll says that 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards, and 69 percent believe EPA scientists, not Congress, should set pollution standards.

People are smart. If they have a problem with a tooth, they go to a dentist, they don't go to a Member of Congress—unless they are a dentist. People know scientists and doctors are the ones who should guide us on the Clean Air Act, not politicians. Look, I am proud of my work. I love what I do, and I think I have learned quite a bit about a lot of things, but I don't decide what level of ozone is healthy, what level of small particulate matter in the air is healthy, what amount of radiation in the milk is okay. That would be ridiculous. The experts have to determine that. But this Senate is about to vote on a series of amendments which will stop the EPA in its tracks and say we, Members of Congress, know better.

EPA Administrators under Presidents Nixon, Reagan, and George Bush opposed attempts to weaken the EPA. Listen to this. This is signed by William Ruckelshaus and Christine Todd Whitman. This is a quote from their op-ed piece—two Republicans. So I say to my Republican friends here, listen to the people whom you respected when they were head of the EPA. What did they say?

> It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

That is powerful. And they went on to say:

> Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege.

They are right. These two former Republican Administrators of the EPA are right, the EPA is under siege and not because it hasn't done its job. It has done its job magnificently. I have shown that.

I will show the stats on how many premature deaths were averted as a result of the EPA's action. I think it will stun you. The Clean Air Act, in 2010 alone, prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000.

I say to my colleagues on both sides of the aisle here, if you saw a child—maybe your child, maybe your grandchild—about to be run down by a car, and you knew you could save them, you would do it. You would save them. My colleagues, we can save 230,000 people from facing premature death. That is a fact. That is what the science shows. Yet we are going to weaken the very agency that can do this.

There were 1.7 million fewer asthma attacks in 2010 because of the Clean Air Act. If we keep going, and we don't interfere with the EPA, by 2020 there will be 2.4 million fewer asthma attacks.

Let us take a look at that child again. I am saying to America and to my colleagues, this is a baby who is struggling for breath. If you knew you could save him, if you knew you could save another child from this, you would do it. By leaving the Clean Air Act alone, by letting the EPA do its work, it is a fact—it is not fiction, it is a fact—that more than a million kids won't have to do this.

I don't know any colleague, I don't know one, who doesn't love children—love their own, love everybody's, love their constituents' kids, love their grandkids. I hardly know anyone who doesn't talk about our kids, whether it is in the context of our debt or their health or any context. I am saying right here and now if you love our kids, don't support weakening the EPA, because our kids are the most vulnerable to dirty air. Why? Because they are little, because the breath they take in takes up so much of their body. What they breathe in is more potent because they are so little and they are developing.

So again, whether it is business groups, whether it is former EPA Administrators, whether it is these incredible groups that have come together with nothing on their agenda except the health of the people—groups such as the American Lung Association or the Physicians for Social Responsibility—I have given a lot of facts to back up what I have said. And, believe me, they are irrefutable facts. They are facts.

The reason given for stopping the EPA from enforcing the law is: Oh, it hurts the economy. I have shown that argument has been made by big business forever and it never was accurate. I guess they have stopped saying the EPA doesn't have a successful track record, because I have shown specifically how many early deaths were averted, how many asthma attacks were averted. Let's go back to that again—how many missed days of work were averted. We have the facts, so they can't argue that.

So what do they argue? Oh, it is a recession. Well, let me say, if you want people to work, I have got news for you: If they can't breathe, they can't work. That is a fact. That is irrefutable. The Clean Air Act in 2010 alone prevented 130,000 acute heart attacks. By 2020 it will avert 200,000 acute heart attacks.

Again, put yourself in the position of somebody who sees somebody about to be hurt, and you know you could pull that person back from the cliff, or you could pull that person back and make sure they are safe, and don't vote for these amendments because we know it is our constituents who will suffer.

In 2010, the Clean Air Act prevented 3.2 million lost days at school. Why is that? Because when a kid is gasping for air, they are not going to go to school. That number is projected to rise to 5.4 million lost days at school. Do you know why we have these facts? Those who are skeptical demanded that the EPA do this study. So EPA did the study and we found out.

I would challenge anybody in the Senate to show me an agency that can boast of this kind of result. It explains why almost 70 percent of the American people say to us: Keep your hands off the EPA. Don't mess with success. Let them do their job. Let them protect our health. Let them protect our kids' health. EPA has a great record.

They are up against the biggest, most powerful interests in this country—they are. They took a full-page ad yesterday, those big interests: Stop the EPA.

OK, I ask rhetorically, why stop an agency that is preventing the deaths of the American people? Why stop an agency that has this kind of track record?

I will close with this: There is a series of these amendments, the worst of which is the McConnell amendment because the McConnell amendment says forevermore the EPA can never, ever do anything to protect our people from carbon pollution. It says never, ever can the EPA set standards for tailpipe emissions from automobiles. That is what it does.

The American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility, the Trust for America's Health—this is what they say about the McConnell amendment:

> The McConnell amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution.

With whom do we stand? This is the question we all ask in our campaigns. Whose side are you on? With whom do you stand?

I made a decision, a strong one. I am going to stand with the kids. I am going to stand with their families. I am going to stand with these leaders who are working day and night just to protect our health. I am not going to stand with a rightwing ideological amendment. I am not going to stand with amendments that are ''McConnell lite'' because if it is not broken, don't fix it.

No agency is perfect, we know that. The EPA is not perfect, but the record is clear. Actions by the EPA along with local and State officials have saved countless lives. If we leave our hands off of it they will continue to have a stellar record.

I will be back on the Senate floor when these amendments come up for a vote. I hope and pray people will think about this very hard before they cast their votes.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KIRK. I ask unanimous consent to speak for up to 20 minutes.

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

## LIBYA

Mr. KIRK. Madam President, this morning our former National Security Adviser, Chairman of the Joint Chiefs of Staff, and Secretary of State Colin Powell will visit the White House, and I expect they will discuss the current mission against the Qadhafi dictatorship in Libya.

When we look at this mission, I think it is important to review the wise words of General Powell in his recommendation in considering any military mission for the United States in her coming years. When we think about his advice—many times, it has been called the Powell doctrine, and it was memorialized in a 1992 article in Foreign Affairs magazine called ''U.S. Forces: Challenges Ahead.'' This article became known very much as the Powell doctrine, with two additions that the public and press often put on his thoughts about military missions for the United States.

In short, the Powell doctrine includes answers to a number of questions that any President, Secretary of State, or Secretary of Defense should answer prior to or at the very least during a military mission involving the United States. Those questions are as follows:

Is the political objective we seek important, clearly defined, and understood?

Next, have all other nonviolent policy means failed?

Third, will military force achieve the objective?

Fourth, at what cost?

Next, have the gains and risks been analyzed?

Finally, how might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

Added to this, the press and public have offered two more additions often called part of the Powell doctrine: Can we hit the enemy with overwhelming force, and can we demonstrate the support of the American people for the mission as shown by a vote of the U.S. Congress?

When we look at the current Libyan mission and apply the Powell doctrine, we see a mixed picture, one that should be fixed by a rigid application of its questions and answers to them reported back to the American people.

I support our mission in Libya, and I think the President's address to the Nation was a good start. But I think we

would serve our troops well if we proceeded to answer the Powell doctrine questions rigidly.

First, is the political objective we seek to achieve important, clearly defined, and understood?

I think the end of the Qadhafi regime is important. I think the protection of civilians from an impeding massacre is also important. And I think it would be clearly understood by the American people. But in practical terms, we cannot protect, for example, the people of Benghazi unless we stop the killer, and the only way to stop him is to disarm him and remove him from power. I think that objective would be clearly understood, would be welcomed by our European and Arab allies, and would bring about the long-term protection of the civilian communities by which the administration first justified this action.

Secondly, have all nonviolent policies means failed?

There is a 30-year record of diplomacy with regard to the Libyan dictatorship. Muammar Qadhafi has shown himself to be one of the most violent, corrupt, and at times even crazy leaders from the continent of Africa. While the United States has had difficulties with him for three decades, while Secretary Gates has referred to the imposition of Jersey barriers here in Washington, DC, as early as 1983 when there were reports of potential Qadhafi threats to our President—at the time, President Reagan—it took several decades for the rest of the world to lose patience with Muammar Qadhafi.

The decision by the United Nations and Arab League and surrounding nations not just to support resolutions in internal forums but then for some of those nations, numbering over a dozen, to take military action, shows that finally the international community has broken with Muammar Qadhafi and feels that diplomacy and nonviolent means no longer can work with regard to managing him and the threat he poses.

Will military force achieve the objective?

I think it can. But here is a situation that is somewhat mixed. If air power is only applied to a combat air patrol to enforce a no-fly zone, there is the potential for Libyan armor and artillery to overwhelm what is a very disorganized and rag-tag civilian army that initially made gains against Qadhafi, then lost them and stood at the gates of Benghazi, then retook key communities, such as al-Bayda, Brega, and came to the outskirts of Sirte, then relost nearly all of those gains this week.

When we look at how we should support the end of this dictatorship and the final protection of civilians in Libya, we should understand that the provision of close air support to take out Libyan armor and artillery is essential to this mission and that we should develop the means to command, control, and direct this effort.

I am concerned that today, I am unsure—maybe uninformed but unsure—as to how the close air support mission is handled. Originally when this mission was undertaken, it was falling under the command and control of standard U.S. military doctrine. Since Libya is part of the AFRICOM combatant command area of operations, this operation, as I understood it, fell under the command of the President of the United States, to the Secretary of Defense, to GEN Carter Ham, commander of AFRICOM. As the United States then moved to more internationalize internalize the military effort, it sought to transfer command to the North Atlantic Treaty Organization, NATO, and its commander, who also happens to be an American, Admiral Stavridis, who stands not only as the commander of U.S. forces in Europe but as Supreme Allied Commander of NATO.

I understand the administration has put forward a task force to be commanded potentially by a senior Canadian general who would command this operation. I understand that diplomacy went well with regard to the command of the anti-air operation in this endeavor, but the negotiations with regard to the provision of close air support were much more difficult.

Today, I am not exactly sure who is in command of those operations. Is it General Ham at AFRICOM? Is it the Canadian general at the joint task force? Is it Admiral Stavridis, as the Supreme Allied Commander of Europe? My hope is that we identify one key allied commander who is not just in charge of combat air patrol enforcing a no-fly zone but also close air support to ensure that the rebels are not defeated, to attrite armor and artillery from Muammar Qadhafi's army, and to eventually achieve a lasting victory, which, in my mind, could only mean the end of the Qadhafi dictatorship.

I am particularly concerned today about key weapons systems that are available to the United States and not to other countries, particularly the A–10 Warthog and the AC–130 gunship. These are unique assets, critical in the ability to take out Libyan tanks and artillery.

If we internationalize this conflict and as I have heard potential talk of removing combat platforms of the United States from executing close air support missions, my question is, Would AC–130 gunships and A–10s be available for these missions? They are uniquely effective and would make this conflict shorter and more likely to end victoriously. And my hope is that they would continue to be provided to the allied commander so that the progress could move forward on eventually ending this conflict.

General Powell also asked that we estimate the cost of this operation. My understanding this morning is that this operation has cost roughly about $500 million and would likely entail greater cost if it lasts for a long time.

We should estimate this cost, and we should also tell the Congress how we are going to pay for it. My understanding right now is that the administration will not seek a supplemental and will take this out of the core budget of the Department of Defense. What implications does this have for procurement, for military construction, for pay and benefits, and for other critical operations of the United States, led, in order of importance, the Afghan mission, the Iraq mission, and the dozen-plus ships that are now providing the critical humanitarian relief and nuclear recovery of our allies in Japan?

General Powell also asked us to ask the question, have the gains and risks been thoroughly analyzed?

While they may not have been thoroughly analyzed, I am comfortable with the administration's answers to those questions. Had Qadhafi taken Benghazi, had he defeated the rebel government, I think he would have then moved, over time, to destabilize the new government in Egypt.

An end to the Camp David peace accords would be a strategic reversal for the United States. It would put at jeopardy the operations of the Suez Canal. It would have increased the dangers to our allies in the State of Israel. And I think the administration was wise to see a tremendous additional risk had Qadhafi won this war. Now, at least we know the rebels are likely not to be defeated, but a stalemate is also not in our interest. And I would hope we would recall the advice of General Sherman, who said that we should make this as rough and as difficult as possible to the enemy so that, ironically, in most humanitarian terms, it ends, and it ends on the terms of the United States, our allies, and the new rebel government.

Powell also asked us how we might see the situation, once it is altered by force, further develop and what consequences there are there.

My hope is that we would quickly follow the direction of the French Government and recognize the Jalil government, to see that government as a growing potential partner for the United States and the allies so that the people of Libya would see who their potential transitional leaders are and so that we would have clear political authority for them. My hope is that a U.S. envoy would deal directly with the Jalil government and that we would follow the suit of our allies and we would make sure there are clear lines of authority, not just on the military side for combat air patrol and close air support but also political direction for the potential new leaders of Libya.

Added to the Powell doctrine are the two other points often included. One is, can we hit the enemy with overwhelming force?

I strongly support the administration's limitation on no combat boots on the ground. I think that is a wise decision by the United States, and I think we can still direct terrific, tremendous, overwhelming, and decisive

force to end this conflict as quickly as possible. My understanding is that other allied governments may not be so completely constricted on their ability to provide especially the critical role of forward air controllers, who will direct allied air power to the most effective targets to attrite and eventually eliminate the Libyan military. My hope is, though, that we bring all combat assets to bear of the United States and our allies so that we quickly eliminate especially Qadhafi's armor and artillery force and so that this comes to a quick end on the military battlefield.

Finally, the Powell doctrine often has included a final point, which is, Can the support of the American people be demonstrated?

I think in this case we have fallen short. While the Congress and the Senate have adopted a resolution calling for a no-fly zone in Libya, cosponsored by myself and the Senator from New Jersey, Mr. MENENDEZ, I think this is inadequate in fully demonstrating the American people's support for what our troops are doing over in Libya.

I think it is clear that our mission is sustained, and the critical political will of the United States is enhanced if we can formally express support for what our men and women are doing overseas. This has been done in some pretty tough conflicts in the past, particularly Afghanistan and Iraq.

For this conflict, the administration should call for a resolution of approval, and the elected representatives of the American people should vote. In general, I support the President's policy and would vote for this resolution. But I think it is essential for those who are on the field to understand that the Congress is formally with them in a vote cast up or down for this mission and for all of its unintended consequences, potential upsides or downsides.

As Colin Powell leaves the White House today, I hope he carries this advice. I hope all of us recall the key points he laid out. He has wisely put forward for past Presidents and this President a key checklist that all of us as citizens, or those of us who are Senators, as policymakers, can have in reviewing the Powell doctrine.

In the end, the Powell doctrine is a key checklist to use to make sure we resist the call for military action until absolutely necessary; but once necessary, that we hit the enemy with everything we have; that we make the conflict as short and, therefore, as humanitarian as possible; that we demonstrate the full support of the American people for the men and women of the Army, Navy, and Air Force; and that we give them a clear mission with one allied commander. I hope the President gets this advice directly from the general today. I hope the President and the Senate follow it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

## CREDIT UNION LENDING

Mr. UDALL of Colorado. Madam President, I urge the Senate to free up capital for small businesses to allow them to grow, expand, and begin hiring again. Unfortunately, there is a burdensome Federal regulation that currently limits the number of small business loans credit unions can make to family entrepreneurs. Credit unions have money to lend, and they know small businesses in their communities. They know these businesses desperately wanted to jump-start the economy by taking out new loans to grow their companies and hire more workers.

Two weeks ago I came to the floor to ask consideration of a bipartisan amendment, No. 242, which I offered to the underlying bill to raise this cap I have alluded to on small business loans. The amendment would simply get government out of the way and allow credit unions to increase small business lending in their communities without costing American taxpayers a dime.

I wish to repeat that. It would not cost American taxpayers a single dime.

When I spoke previously in support of this amendment and asked for the amendment to be considered, the chairman of the Small Business Committee, Senator LANDRIEU, objected to my request and indicated that Senator JOHNSON, chairman of the Senate Banking Committee, opposed the amendment. I wish to clear up some misinformation the American people may have heard at that time and thank Senator LANDRIEU for removing from the CONGRESSIONAL RECORD her assertion that Chairman JOHNSON opposed my amendment.

I understand that as new chairman of the Banking Committee, Senator JOHNSON has an interest in revisiting this legislation which I negotiated with the Treasury Department, the National Credit Union Administration, and the previous chairman of the Banking Committee, Senator Chris Dodd. But I wish to make it clear in the CONGRESSIONAL RECORD that Chairman JOHNSON does not in fact oppose the amendment.

I also wish to clear up some confusion related to the $30 billion small business lending fund established as a part of the Small Business Jobs Act which arose when I tried to call up my amendment 2 weeks ago. As I pointed out in my original remarks, banks were given access to the small business lending fund, but credit unions have not been allowed to expand their small business lending because of the very cap on loans my amendment addresses.

In our discussion on the Senate floor, it was pointed out to me that credit unions had been asked if they wanted to participate in the small business lending fund, but the credit union industry had turned down the invitation. I was unaware of such an offer; I appreciate being told of it. But unlike many banks, most credit unions do not need extra capital in order to make loans, which is what the small business lending fund intended to provide. Rather, as I have said, most credit unions currently have capital to lend to small businesses, but, unfortunately, they are being prevented from making those loans due to the arbitrary cap limiting their small business lending to no more than 12.25 percent of their assets.

It is no wonder credit unions didn't have an interest in the $30 billion bank fund because they don't need the money and couldn't use it anyway because of this burdensome cap that is put on small business loans.

I appreciate the opportunity to discuss the confusion about amendment No. 242. I thank the chairman and ranking member for their great work on the underlying bill which is important to my home State of Colorado.

I wish my amendment would get a vote today, but regardless of what happens I will continue to work with Chairman LANDRIEU, Ranking Member SNOWE, and the rest of my colleagues to find innovative means to free up credit for small businesses in a responsible way.

On a final note, the Presiding Officer hails from a great State that has significant banking and credit union sectors. We know they don't always see eye to eye, which is the root of the objection to my amendment. Yet they still manage to operate side by side to serve the community's credit needs. They both make up the fabric of America and continue to grow our economy. It is simply the way we do business in the United States.

I wish to highlight that spirit, which is in stark contrast to the kind of divisive politics that have been brewing in America; one that furthers disagreements and draws ideological lines in the sand and, frankly, sows disrespect at the expense of shared interests and collective prosperity. The American people are seeing a disappointing example of that today. There is a vocal minority outside this very Capitol demanding acrimony and a combative approach for Members of Congress which I believe—and many of us believe—in the end will further disable our capacity to get the economy back on its feet.

While this is happening outside, many of us are inside doing the people's business. We treat each other with respect, and we are working on a bill to help small businesses invest in R&D. We are also negotiating a compromise to keep our government running.

That is the American way I have always known. I applaud my colleagues who remain committed to working together.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of swipe fees. Most people do not know what a swipe fee is, but it is almost part of your daily life. The next time you reach into your wallet or purse and pull out a piece of plastic to pay for something—such as my debit card—and present it at a retailer or a restaurant or a hotel or a gas station, understand what is happening in that transaction. There are several things that are not even visible.

What is happening in that transaction is, you are paying that merchant and your bank is going to honor that payment from your account on your debit card, but then the bank and credit card company are going to charge the merchant for the transaction.

In days gone by, if we paid in cash, obviously, there was no fee involved. If we paid with a check—which was done for a long time and is done less and less now—there were pennies charged to process the check. Whether the face amount of the check was $1 or $100—pennies to process the piece of paper through the system.

A much more efficient system is being used with debit cards, where we actually are withdrawing money from our own account to the credit of the restaurant or the retailer. Unfortunately, there is a fee involved charged to the merchant or retailer called the swipe fee—accurately called the swipe fee because what has happened is, these major companies—Visa and MasterCard and the banks that issue their cards—have established how much each transaction will pay in this swipe fee or interchange fee.

The Federal Reserve recently did an analysis and found something interesting: They found that the average swipe fee across America is 44 cents for each transaction. Then they said: Well, what does it actually cost to process this debit account movement of money from one place to another? The answer was: 10 cents or less.

So there is a substantial charge involved in the hundreds, thousands, tens of thousands, millions of transactions that go on every single day, and it has a direct impact on the places where we do business. It means there is an added cost to the retailer or merchant that we are doing business with for the use of the debit card that goes beyond the actual cost to the bank involved.

You say to yourself: Well, that is business, isn't it? If you are going to take these cards, and you want the convenience of using these cards, you have obviously negotiated 44 cents and that is the way it goes. Wrong. There is no negotiation involved. The retailers and merchants literally have no bargaining power in what that fee will be, and over the years, that swipe fee, or interchange fee, has been creeping higher and higher. For many businesses across America, it is the second or third most expensive item in doing business. That is right. Beyond the cost of personnel and workers and beyond the rental and utilities paid or health insurance comes the swipe fee—the fees charged by credit card companies for the use of debit cards and credit cards.

What we said last year, while we were debating financial reform, was, this price fixing by the credit card companies—and there are two giants, Visa and MasterCard, that control 80 percent of the card transactions in America—this swipe fee that is being charged by them should be reasonable and proportional to the actual cost of the transaction. They should not be able to force feed and price fix an excessive swipe fee, or interchange fee, on retailers and merchants across America.

We said to the Federal Reserve: Take a look at this and try to figure out a way to establish a reasonable, proportional fee since the credit card companies and the big banks are not going to negotiate. The Fed is in the process of doing it.

We also said any bank or credit union with less than $10 billion in assets will not be affected by this. Our object was to make sure the hometown banks, the local banks, the local credit unions, could continue to receive interchange fees without any type of oversight by the Federal Government. Some people said: Why didn't you include them? Well, we tried to give them an opportunity to continue to do business because, frankly, those who are closest in the communities are the ones we ought to be mindful of and protective of.

Perhaps I have a little prejudice involved too. The biggest banks in America—the top 1 percent of banks in America—are the ones that do almost 60 percent of this card business. I am talking about the same Wall Street banks that ended up getting a bailout from the Federal Government, to the tune of hundreds of billions of dollars. I do not have a lot of sympathy for them. They made some stupid mistakes and the taxpayers came to their rescue. From my point of view, we should not be subsidizing them or creating an opportunity for them to fix prices when it comes to merchants and retailers across America.

This passed last year with a strong bipartisan vote of 64 Senators, and the biggest banks in America and the biggest credit card companies in America have been working nonstop ever since to stop this from going into effect. They have poured more resources into this effort than I have ever seen, and I have been around this place for a while. They want to stop this because they hate swipe fee reform like the devil hates holy water. For them, it is a dramatic loss of money. How much? Each month—each month in America—these debit swipe fees generate $1.3 billion—$1.3 billion—for the banks at the expense of merchants and small businesses and large businesses, too, for that matter, across America. But not just at their expense. These swipe fees are being paid every time a person uses a debit card or a credit card to pay the government, to pay a university, to make a charitable contribution. That is a reality, and $1.3 billion a month—most of it going to the biggest banks in America—they believe is worth fighting for.

So the fight has been joined, and Senators have come to the floor and submitted an amendment to postpone this swipe fee reform for 2 years—2 years—to study it. Let me see, 24 months times $1.3 billion—over $30 billion they want in a handout to the biggest banks and credit card companies in America. I do not think that is fair. It is sure not fair to the small businesses that had asked me to introduce this and ask me to continue to fight for it. It is not fair to these businesses or their customers.

You see, our reform efforts are not just supported by the businesses. They are supported by the Consumer Federation of America, the largest consumer advocacy group in the United States. They understand that if you are dealing with a competitive business—let's assume you have gas stations across the street from one another and you make more profitability at one gas station, they can lower prices and be more competitive with the gas station across the street. The same is not true when it comes to big banks and credit cards. When it comes to credit cards, we have not a monopoly but a duopoly—two monopolistic companies, very little competition between them. There is a lot of competition in small town America and Main Street America.

Some people ask me why I tackle some of these issues that involve the big banks and credit card companies and others. They say: Don't you understand these operations you are fighting are pretty large in terms of their resources and their political might? There is truth in that. The banks are a $13 trillion industry in America, according to the American Bankers Association—$13 trillion—and last year the banking industry in America made over $87 billion in profits.

Visa and MasterCard were spun off from big banks a few years ago and now are multibillion-dollar companies that control nearly 80 percent of the payment card market.

People tell me these financial industry giants have unlimited resources,

and they are going to fight when there is $1 billion a month on the table.

Well I do not think the people of Illinois sent me—or sent from their own States other Senators—to hand the keys of this country over to big banks and credit card companies. They sent me to make sure Wall Street banks follow the same rules of the road that Main Street businesses follow every single day.

There is nothing wrong with fees charged for services provided, as long as those fees are transparent and are set in a competitive market environment. Don't tell me you are for a free market and then say but Visa and MasterCard can fix prices. Don't tell me you are for a free market and then say those prices they fix have to be concealed and hidden from the public.

When markets are characterized by transparency, competition, and choice, consumers benefit. But consumers do not benefit when fees are hidden, changed without warning or set by agreement between competitors. Sadly, that describes many of the fees banks and card companies have charged in recent years.

We passed the Credit CARD Act of 2009 and then the Dodd-Frank Wall Street Reform Act last year and the Consumer Financial Protection Act was also included. We targeted many of the hidden fees consumers pay in America. If we do not do it, ladies and gentlemen, if the Senate does not do it, I would say to my colleagues: It will not be done.

These powerful economic business entities in America need to be watched closely. Do not take my word for it. Take the word of those who analyze the recession which we are dealing with. Left to their own devices, these entities will go to extremes when it comes to profit taking, and that is what is happening when it comes to these big banks and credit card companies today. If we do not stand for consumers and small businesses on the floor of the Senate, shame on us. Who else is going to do it?

By making fees transparent and helping to inform consumers, our laws will help the financial services market work better for all Americans.

This swipe fee, or interchange fee, reform amendment I added to the Dodd-Frank bill also addressed an anti-competitive market failure in the debit card system. For years, the banking industry has engaged in a collusive practice. The banks that issue the cards have let Visa and MasterCard fix the interchange fee rates banks receive from merchants every time a debit card is swiped. The banks get the fees, but they do not set the fees. Their friends at Visa and MasterCard set the fees that will be charged. This is price fixing, purely and simply, by Visa and MasterCard on behalf of thousands of banks, and this price fixing is currently unregulated.

Of course, every bank in the country is going to tell us the interchange system is working just fine, Senator. That is because with centrally fixed interchange rates, banks do not have to worry about competition. Each bank knows the bank down the street is getting the same fee they are. But there are two fundamental problems with Visa's and MasterCard's fixing of these interchange rates and swipe fees.

First, centralized rate fixing gives the card-issuing banks no incentive to manage their operational and fraud costs efficiently. All banks in the Visa network are guaranteed the same Visa price-fixed interchange rate whether they are efficient or not. There is no competition and the fees literally subsidize inefficiency.

Second, because Visa and MasterCard, the credit card giants, control nearly 80 percent of the debit card market and merchants can't realistically refuse to accept them, Visa and MasterCard have the incentive to constantly raise interchange rates to encourage banks to issue more of their cards. So fee rates keep going up and the merchants are helpless to do anything about it.

I have heard so many speeches on the floor of the Senate about how we love our small business, and we should. It is the backbone of the economy of America. This interchange fee goes to the basic survival of small businesses across America. If this Senate is going to decide that it is more important to protect the big banks and credit card companies than small businesses, shame on us. We should accept the reality that it means these small businesses will struggle, will not be as profitable, will not hire as many people. Can that make us a better country? Can that help us out of the recession?

Merchants can't say no to Visa and MasterCard because of the market power of these two credit card giants and because swipe fee rates are fixed by the networks. A merchant doesn't even have the option of negotiating a better deal, so merchants are stuck with whatever the increase is in swipe fees, which is then passed along to consumers in the form of higher prices for gasoline and groceries. Consumers, and particularly low-income and unbanked consumers, pay for the debit interchange system to the tune of $16 billion a year.

Incidentally, do my colleagues know what the interchange fee is in Canada charged by Visa and MasterCard—the same fee I have been talking about here—through the banks in Canada? Zero. There is no interchange fee. Do my colleagues know what it is in Europe? A fraction of what it is in the United States. Why is that the case? Why would these credit card giants say they can't survive oversight of their interchange fees in the United States and charge zero in Canada and pennies in Europe? Because the Canadian Government came to them and said, We are not going to let you rip off our small businesses. We will regulate you. They said, Never mind, we won't charge an interchange fee in Canada. In Europe, the same thing happened. If we are silent, exactly the opposite will occur. The credit card companies will continue to increase these fees at the expense of American consumers and small businesses and large businesses alike.

Some people out there apparently trust Visa and MasterCard to price fix in a fair and benevolent way. They don't see the need for reform. If you believe the giant credit card networks can be trusted to fix interchange prices in a way that is fair for banks, merchants, and consumers, then you should be fine with the status quo and have no problem prolonging it for years.

That is exactly what the amendment coming before us will do. It will postpone for 2 years and put in a study of this issue. Well, we should study things before we act on them, that is for sure. But let's look at the record. We have had nine different congressional hearings on this issue and three separate studies already. We have studied this one to death. What the banks and credit card companies want us to do is to keep on studying so they can collect $1.3 billion every single month. That is their strategy.

I don't place my trust in Visa and MasterCard, and I am not alone. Last year, a strong bipartisan majority in Congress said we better stand up for small business and retailers and consumers, and we passed this law. The banks and credit card companies are pulling out all the stops. I learned yesterday that Chase, which is one of the major issuers of these debit cards across America, sent a letter to their customers in a number of States and said, If you don't repeal the Durbin amendment, we are going to end up in a position where we won't be able to give you all of the rewards which we are offering you on your debit and credit card.

First, this relates to debit cards which don't carry the big reward programs. Secondly, this kind of veiled threat from these credit card companies should not be taken seriously by any consumer across America.

The last time we had credit card reform, we unfortunately waited months before it became law. The credit card companies saw it coming. So what did they do? They dramatically raised their interest rates on consumers across America during that period of time. Don't expect any favors from this industry. If we do not regulate the credit card industry and the banks that issue these cards, trust me, the consumers will continue to lose time and time again.

As for Chase, I don't think there are going to be any poppy flowers sold on their behalf on street corners. If I recall correctly, their last earnings report showed a 48-percent increase in profits over their previous year. They are doing quite well. Now it is time for

them to give small businesses and consumers across America a break when it comes to the fees they are charging.

Congress said that if banks are going to let Visa and MasterCard fix the interchange rates that merchants pay banks, then the rates fixed on behalf of the biggest 1 percent of banks must be reasonable and proportional—reasonable and proportional. This is a narrowly targeted reform through the Federal Reserve. The new law will provide a constraint on ever-rising interchange fees that the current broken market does not provide.

We have given this job to the Federal Reserve. They have put out draft rulemaking and they are soliciting comments across the country. Chairman Bernanke called me a couple of days ago and said they needed an additional few weeks to come up with the rule that will still go into effect in July of this year. I understand that. I want him to do his best. I want him to follow what this law says—exempting credit unions and community banks with less than $10 billion in assets.

The Fed has taken this job seriously, and I am glad they have. The Fed knows that many small banks are concerned the reform might affect them even though the law clearly exempts them. Last week Chairman Bernanke told all those small banks at a meeting that he understands their concerns and will work with them to make sure the final rule addresses them.

I urge my colleagues to stand up for the reasonable reform Congress passed last year. We don't need another study. A study is an excuse for the credit card companies and the biggest banks in America to take $1.3 billion a month out of the economy and away from small businesses.

I want my colleagues to know there is broad support for debit interchange reform. I have received many letters in recent days from individuals, small businesses, and organizations that support reform. I will readily concede that the big box retailers are also benefitted by this. I am not trying to hide that. That is a fact. But the simple fact of the matter is this has been generated by a lot of local people and a lot of local businesses.

Let me tell my colleagues, this is hardball as far as the big banks and credit card companies are concerned. I happened to mention that I was brought to this issue 4 or 5 years ago by a good friend of mine, a very conservative gentleman who has been very successful in downstate Illinois, named Rich Niemann from Quincy, IL. He owns a bunch of grocery stores and has expanded all across the Midwest. He is a hard-working guy the like of which is hard to find. He and I disagree on a lot of things, but I always turn to him when I have a business issue because I know he will give me an honest analysis. When Rich told me that he started accepting plastic at his grocery stores, it went from just a small number of transactions to now almost half of the transactions at his grocery stores are with plastic and he says, They are killing me with this interchange fee. The credit card companies and debit card companies are charging him this fee and he has no voice or bargain in the process. They charge whatever they want to charge and he pays it. He is a man who is trying to create jobs in small-town America. I thought he had the right approach to this. They should be able to recover their reasonable, proportional costs for using a debit card, but why should they be able to penalize a business such as Rich Niemann's grocery stores? I said this publicly a couple of days ago and, not surprisingly, some folks on the other side decided to go after and attack Rich Niemann as a businessman. I will stand with him. From my point of view, he is a good man. I don't think he votes for a lot of Democrats. I hope once in a while he might vote for me, but notwithstanding that, I respect him so much and I am sorry he had to take this beating in the press from the other side. He can take it, though. He has been a tough guy who has stood up for his family and his business all his life.

Incidentally, on March 18 I received a letter from the American Council on Education and nine other national associations representing colleges and universities and here is what they said:

> Debit card swipe fees have been a hidden expense for students and families paying for college for which they receive no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services.

We don't think about that. We think about gas stations. But the fact is students use plastic for everything, and the universities and colleges end up paying these swipe fees to the big banks and the credit card companies and debit card companies as a result.

On March 15 I got a letter from the Consumer Federation of America. Some of the folks on the other side said this will never help consumers. These businesses are going to take all the savings that would otherwise go to the big banks and credit card companies and they are going to take those and go home. Well, I disagree, and so does the Consumer Federation of America, the leading consumer advocate in this country. Here is what they said on March 15:

> The current interchange system is uncompetitive, nontransparent, and harmful to consumers . . . CFA does not support delaying implementation of the new law.

That is what the amendment on the floor today suggests.

On March 15 I received a letter from the consumer groups Public Citizen and U.S. PIRG, and here is what they said:

> The Durbin amendment was designed to curb anticompetitive practices in the payment card market . . . we do not support legislation calling for delay of the Durbin swipe fee amendment.

Yesterday I received a letter from Americans for Financial Reform, a coalition of over 250 national, State, and local groups, including consumer, civil rights, investor, retiree, labor, religious, and business groups. Here is what they said:

> From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump. . . . We oppose efforts to delay the implementation of the Durbin amendment through Congressional action.

Make no mistake, the big banks and card companies want to stop this rule before it is issued, because they are afraid that once it is issued and once people realize the savings to business and consumers across America, they will never go back. So they are pouring it on to try to move this amendment as quickly as possible to stop the Federal Reserve from issuing the rule which the law requires them to issue.

On March 17, the Hispanic Institute sent me a letter and here is what they said:

> Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits consumers in lower fees and lower cost of goods. There is no evidence that swipe fee regulation will lead to an increase in other consumer fees.

The National Small Business Association—as I said, we spend more time on the Senate floor venerating small businesses than almost anything other than our troops. Here is what the National Small Business Association said in a statement on March 23:

> The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

I also received a letter from 185 national and State merchant trade associations representing 2.7 million stores and 50 million employees.

Let me say at the outset, the coalition I am representing is not nearly as powerful or as large politically as the big banks and the credit card companies. They can't match them in terms of their political power, the number of lobbyists they hire, the number of letters they send, and all the rest. For the most part, they represent a lot of small businesses that are trying their best to get fair treatment. Here is what they say:

> We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers. Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly.

They mean Visa and MasterCard.

They urged Congress to oppose any efforts to delay swipe fee reform.

The United Food and Commercial Workers, a union which I used to belong to when I was growing up, said:

Delaying swipe fee reform will also delay the creation of thousands of jobs each year that will result in reduced interchange fees. This reform is long overdue for working Americans everywhere.

The National Community Pharmacists Association and the National Association of Chain Drug Stores sent me a letter and said:

We request any assistance you can provide in ensuring the timely completion of the final regulations and enforcement of the Durbin amendment.

The National Association of College Stores and 20 State associations wrote and said:

Credit and debit purchases account for more than $100 million annually in interchange fees paid by college bookstores and their student and parent customers.

Let me repeat: $100 million a year paid by college bookstores and their student and parent customers in interchange fees to the banks and credit card companies.

They go on to say:

Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected toward credit card companies and large banks. . . . Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
*Washington, DC, March 18, 2011.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: I write on behalf of the higher education associations listed below to oppose efforts to delay, amend, or repeal the debit card swipe fee reforms enacted last year in the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd Frank Act'') and regulatory implementation of these reforms by the Federal Reserve. We strongly support these needed reforms, which will provide real relief to students, their families, and colleges and universities across the country.

Debit card swipe fees have been a hidden expense for students and families paying for college for which they received no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services. In addition, implementing this reform will create an opportunity for institutions to offer discounts to students for payments made with checks and debit cards.

During this time of economic insecurity, steps like those undertaken in swipe fee reform will help students and their families manage the costs of college with increasingly strained budgets.

We urge the Senate to stand up for students and the colleges and universities that serve them by ensuring that these debit card swipe fee reforms are fully implemented in a timely manner.

Sincerely,

MOLLY CORBETT BROAD,
*President.*

CONSUMER FEDERATION OF AMERICA,
*March 15, 2011.*

DEAR SENATOR: As Congress assesses the impact on consumers of debit interchange legislation it enacted last year, the Consumer Federation of America would like to share with you the conclusions we have reached:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, CFA does not support delaying implementation of the new law.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules implementing new interchange requirements. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low- to moderate-income account holders.

Once the law is implemented, the Federal Reserve should also pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial products to millions of Americans.

Although CFA did not take a position on the interchange provisions of the Dodd-Frank Act, we have carefully examined the law and filed comments with the Federal Reserve on how to implement it fairly and effectively. For example, we urged the Federal Reserve to consider increasing its proposed interchange pricing standards as allowed under the law to include several specific, debit-related expenses incurred by financial institutions. CFA also recommended that the Federal Reserve launch a broad, balanced study upon implementation of the effects of the rule on consumers.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. The new law gives the Federal Reserve authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

Sincerely,

TRAVIS PLUNKETT,
*Legislative Director.*

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MARCH 15, 2010.

CONSUMER GROUPS OPPOSE DURBIN AMENDMENT DELAY

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: U.S. PIRG and Public Citizen write in support of the timely implementation of the Federal Reserve swipe fee regulation as prescribed under the Durbin Amendment of the Dodd-Frank Wall Street Reform and Consumer Protection Act enacted last summer. The law provides numerous reforms to financial industry practices beneficial to consumers, depositors, investors and taxpayers. Included in the Dodd-Frank Act is the Durbin Amendment, which limits the interchange swipe fees charged to retail merchants on debit card transactions. The Durbin amendment was designed to curb anticompetitive practices in the payment card market.

It is our understanding that there has been proposed legislation introduced to delay the implementation of the Durbin amendment. We do not support legislation calling for delay of the Durbin swipe fee amendment. While we have urged the Federal Reserve Board of Governors to modify its proposed rule implementing parts of the Durbin Amendment (parts have already taken effect), the rulemaking process, not further legislation, is the appropriate venue for any changes. In addition, consideration of a delay in the Durbin amendment could otherwise imperil timely implementation of the Dodd-Frank Act's other provisions designed to remediate the economic crisis caused by risky, unregulated Wall Street practices.

We appreciate your consideration of our views urging that the Durbin amendment be implemented by the Federal Reserve, not delayed in the Congress.

Sincerely,

U.S. PIRG AND PUBLIC CITIZEN.

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AMERICANS FOR FINANCIAL REFORM,
*Washington, DC, March 30, 2011.*

DEAR SENATOR/REPRESENTATIVE: We write to express Americans for Financial Reform's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, AFR does not support Congressional delay of implementation of the new law.

As you know, Americans for Financial Reform is an unprecedented coalition of over 250 national, state and local groups who have come together to reform the financial industry. Members of our coalition include consumer, civil rights, investor, retiree, community, labor, religious and business groups as well as renowned economists.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. If you or your staff have any questions, please contact Ed Mierzwinski at U.S. PIRG.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

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THE HISPANIC INSTITUTE,
*Washington, DC, March 17, 2011.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*U.S. Capitol, Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: On behalf of The Hispanic Institute, I urge you to oppose Senate Bill S. 575, House Bill H.R. 1081, and any other effort to delay, amend or repeal the Durbin amendment which passed last year as part of the Dodd-Frank Wall Street Reform Act. Delaying implementation of the Durbin amendment hurts consumers, especially low- income consumers.

The Hispanic Institute's mission is to provide an effective education forum for an informed and empowered Hispanic America. We have already studied the impact of swipe or interchange fees on Hispanic America. In fact, we have been studying the problem of swipe fees for years and have found that the market for these fees is broken and that Hispanic American consumers and businesses are harmed as a result.

In 2009 we published a study, ''Trickle-Up Wealth Transfer: Cross-Subsidization in the Payment Card Market,'' that broke new ground by showing that hidden swipe fees imposed on credit and debit cards result in a reverse transfer of wealth and make low-income Americans subsidize high-income Americans—without them even knowing it. We also found that these fees are part of the prices consumers pay every day and that when fees are lower, prices are lower for consumers. Our ground-breaking work has since been cited by the Boston Federal Reserve.

On February 17th, we submitted testimony to the House Financial Institutions Subcommittee of Financial Services, along with U.S. PIRG and Public Citizen, voicing support for the Federal Reserve rule to deal with the problems we have found. Unfortunately, the banking industry is fighting to stop these needed reforms. If the banking industry is successful in delaying or repealing reform, consumers and the American economy will pay. Studies indicate that consumers will pay an extra $1 billion to banks every month that reform is delayed, and the more than 95,000 new jobs that reform would create each year will be shelved. This should not happen.

As we noted in our testimony:

The current swipe fee market is broken and all consumers pay more for less because of escalating swipe fees;

Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits consumers in lower fees and lower costs of goods;

There is no evidence that swipe fee regulation will lead to an increase in other consumer fees; and

Reductions in swipe fees should result in substantially lower prices for all consumers.

The Durbin amendment and Federal Reserve rule allow banks to compete on swipe fees and avoid regulation. Reasonable limits are only imposed when the banks centrally fix their fees. If they would compete, all American consumers and businesses would be far better off. We urge you to oppose S. 575 and H.R. 1081, and press for the Federal Reserve's rule to be finalized and take effect in order to address the terrible problems with swipe fees that the Hispanic Institute has identified. Thank you for your consideration.

Sincerely,

GUS K. WEST,
*President, Board Chair.*

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[From National Small Business Association, Mar. 23, 2011]

BILLS INTRODUCED TO DELAY SWIPE FEE REFORM

The U.S. Federal Reserve (Fed) in Dec. 2010 proposed new rules limiting the size of the fees banks can charge businesses every time a debit card is used to pay for a good or service. The Fed was required to address debit-card swipe fees thanks to an NSBA-supported amendment, introduced by Sen. Whip Dick Durbin (D-Ill.), to the Restoring American Financial Stability Act (S. 3217). The final rule is expected by April and currently is set to take effect on July 21, 2011.

The Fed proposed a number of options that would result in reduced swipe fees for debit-card transactions. One option would allow issuers to set a flat fee of seven cents per transaction. A second option would allow a sliding scale, based on the purchase price, with a maximum fee of 12 cents per transaction. The proposed rule exempts banks with less than $10 billion in assets and does not apply to credit cards.

Although NSBA supports no interchange fees being charged on debit-card transactions—since they clear, like checks, at par—the proposal represents significant progress. Currently, merchants pay, on average, debit card processing fees of about 1.3 percent. According to the Fed, the average swipe fee last year was 44 cents. This means that even the highest option would result in swipe fees more than 70 percent lower than the 2009 average.

The proposed rules also still present issuers with a large profit margin. According to one bank, a swipe-fee cap of 7 cents per transaction still would produce a profit margin of about 8 percent, compared to the retail industry's average profit margin of one to three percent.

While the proposed rule was a significant victory for small businesses, retailers, and consumer groups, it was met with immediate howls by the banking industry, which collected $16.2 billion from debit-card swipe fees in 2009. Arguing that the proposed rule represented governmental interference in the private market (and ignoring the fact that the previous system differed greatly from any notion of a competitive ''market''), the banking lobby responded to the proposed rules with a multi-million advocacy campaign aimed at undermining them.

Last week, they achieved their first success in this effort, when Sens. Jon Tester (D-Mont.), Bob Corker (R-Tenn.), Jon Kyl (R-Ariz.), Ben Nelson (D-Neb.), Tom Carper (D-Del.), Pat Roberts (R-Kan.), Chris Coons (D-Del.), Mike Lee (R-Utah), and Pat Toomey (R-Penn.) introduced legislation, the Debit Interchange Fee Study Act (S. 575), that would suspend the implementation of the Fed rule for two years.

The bill also mandates that a study on debit interchange fees be conducted by the Fed, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. The outcome of this study is virtually guaranteed to be flawed, given the parameters outlined by the bill.

Companion legislation (H.R. 1081) has been introduced in the House, by Rep. Shelley Moore Capito (R-W.Va.) and 27 cosponsors.

NSBA is ardently opposed to these efforts, which clearly are aimed at preventing the rules from going into effect rather than illuminating the issue. The swipe-fee system already has been the subject of three separate U.S. Government Accountability Office reports and nine Congressional hearings.

The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

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FEBRUARY 28, 2011.

To: Members of the United States Senate; Members of the United States House of Representatives

From: The 185 undersigned national and state trade associations on behalf of the companies and customers we represent

Re: Debit Card Swipe Fee Reforms—Allow Implementation to Move Forward

The Merchants Payments Coalition, representing 2.7 million stores and their 50 million employees, urges you to oppose any efforts to amend, repeal or delay swipe fee reform. Derailing swipe fee reform would take more than $10 billion per year out of consumers' pockets and kill more than 95,000 new jobs.

Big credit card companies have created a prim-fixing regime that benefits the largest banks, including ''too big to fail'' institutions that have received hundreds of billions of dollars in federal bailout money, at the expense of Main Street merchants and consumers.

Small merchants in your community are powerless against the big credit card duopoly. The card companies and big banks have not and will not negotiate with businesses over swipe fees. As a result, these fees:

Have tripled over the last 10 years;

Largely benefit the 10 biggest banks;

Are the second highest expense many small merchants face after labor costs; and

Are rising faster than health care costs.

This issue is unlike any other we have faced in business. We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers.

Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly. So we reluctantly came to Congress.

After seven hearings in the House, two of which were held since passage of the debit card reforms, a bi-partisan markup in the House, and two hearings in the Senate on the issue, legislation passed the United States Senate last summer by a strong bi-partisan 64 to 33 vote with 17 Republicans supporting the amendment. Changes were negotiated and adopted during the conference process before the bill was signed into law.

The law directs the Federal Reserve to prescribe regulations regarding interchange swipe fees on debit card transactions and requires that the Federal Reserve establish standards for assessing whether an interchange swipe fee is reasonable and proportional to the cost incurred by the issuer with respect to the transaction. After a lengthy and thorough process conducted by the Federal Reserve of survey design and collection, conference calls, meetings with various groups, and survey analysis, the Board of Governors voted unanimously in favor of publishing a proposed rule on this subject. We see the proposed rule as a compromise of the ideas advanced by the banks and networks and the ideas advanced by the merchants and consumers.

The statute further directs the Fed to publish a final rule by April 21, which would take effect on July 21. The Fed has indicated that it intends to meet these deadlines unless Congress directs otherwise, We strongly urge you not to support delay and to allow the rule to take effect as scheduled.

Swipe fee reform has been a key vote for each of our associations every time it has been considered and will continue to be. We would urge you to learn more about the issue, listen to all sides, and not sign letters or support legislation that seek to delay; repeal or modify the proposed rule.

We urge you to stand with your small Main Street merchants and their customers and allow swipe fee reforms to take effect on time.

Sincerely,

THE UNDERSIGNED NATIONAL AND STATE TRADE ASSOCIATIONS.

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UFCW,
*Washington, DC, March 28, 2011.*

To All Members of the United States Senate

DEAR SENATOR: On behalf of the United Food and Commercial Workers International Union (UFCW) and our more than 1.3 million members, we encourage you to oppose any effort to delay or repeal the implementation of ''swipe'' fee reform, also known as interchange fee reform.

More than one million of our members work in the supermarket and retail industry where swipe fees are a growing cost of business and a concern for the continued success of this important industry. Each time that a UFCW cashier swipes a debit card, the supermarket is charged a percentage of the sale. That fee, hidden from customers, is reflected in higher prices, which in turn impacts our members and customers each day.

The banks and card companies want these fees to remain hidden so that they can continue to reap large profits and subsidize the costly benefits and rewards that they give to their wealthiest cardholders. Make no mistake, the banks and card companies want to delay the swipe fee reforms so that they can continue to charge more than $1 billion in swipe fees for each month of delay.

But most importantly, delaying swipe fee reform will also delay the creation of thousands of jobs each year that would result from reduced interchange fees.

This reform is long overdue for working Americans everywhere. Our members have paid the price for rising interchange fees for far too long.

A bipartisan group of 64 Senators courageously passed this important swipe fee reform in 2010. UFCW respectfully asks that you oppose any efforts to delay these reforms and allow the Federal Reserve rule to take effect on schedule later this year.

Sincerely,

JOSEPH T. HANSEN,
*International President.*

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MARCH 8, 2011.

Hon. JOHN BOEHNER,
*Speaker, House of Representatives,*
*Washington DC.*
Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington DC.*
Hon. NANCY PELOSI,
*Minority Leader, House of Representatives,*
*Washington DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate, Washington DC.*

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: The National Association of Chain Drug Stores and the National Community Pharmacists Association are writing in support of the implementation of the Durbin Amendment, which was included in the Financial Reform legislation enacted last year. The Durbin Amendment limits the fees charged to retail merchants on debit card transactions (known as ''swipe fees'') to a level that is ''reasonable and proportionate'' to the costs incurred by the banks and credit card associations to process these transactions. The amendment also allows retail merchants options on how their debit card transactions are routed for processing, which provides market competition for this part of the process.

The law requires the Federal Reserve to write rules to enforce the ''reasonable and proportional to cost'' requirement by July 2011, although the precise date for enforcing the routing rule is left to their discretion. At this point, the Federal Reserve has issued draft regulations on what is to be considered reasonable and proportionate, and they have closed the comment period on the rules.

We believe it is imperative that this process of writing and issuing final regulations continue as required by the law. Debit and credit card interchange fees currently total close to $50 billion annually for retailers. The timely promulgation and enforcement of the regulations will assure the beginnings of reform for both debit and credit cards to assure that fees are ''reasonable and proportionate'' for retailers and the customers they serve in a highly competitive marketplace.

We request any assistance you can provide in ensuring the timely completion of the final regulations and the enforcement of the Durbin Amendment, and ask you to communicate that position to the Federal Reserve.

Please contact either Paul Kelly or Anne Cassity if you have any questions.

Sincerely

STEVEN C. ANDERSON, IOM, CAE,
*President and Chief Executive Officer, National Association of Chain Drug Stores.*
KATHLEEN D. JAEGER,
*Executive Vice President and Chief Executive Officer, National Community Pharmacists Association.*

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NATIONAL ASSOCIATION OF COLLEGE STORES,
*Oberlin, OH, March 18, 2011.*

DEAR SENATOR, On behalf of the National Association of College Stores and the undersigned associations, I am writing to ask you to not co-sponsor and to oppose S. 575, the Debit Interchange Fee Study Act of 2011. This legislation would delay and effectively kill debit card fee reforms scheduled to go into effect this July; reforms that will have a positive impact on colleges, universities, elementary and secondary schools, and the students and parents they serve.

Headquartered in Oberlin, Ohio, NACS is the professional trade association representing the collegiate and K–12 retailing community. We represent more than 3,100 collegiate and elementary and secondary bookstores including school owned and operated bookstores, non-profit student owned cooperatives, small privately owned bookstores, and contract managed bookstore companies. NACS member stores serve nearly 95% of America's 17.5 million college students while supporting the academic missions of education institutions.

Last year Congress enacted reasonable and measured reform to the swipe fees that colleges and universities, K–12 schools, and other non-profits, and small family owned businesses pay Visa and MasterCard and the big banks every time a student, parent, or alumni pay or donate at these institutions and at collegiate and K–12 retail stores. In fact, according to a recent report by the National Association of College and University Business Officers found nearly ⅓ of all tuition and fee payments made to colleges and universities and nearly half of all tuition and fee payments made at community colleges in 2009 were subjected to excessively high interchange swipe fees.

Credit and debit purchases account for more than $100 million annually in interchange fees paid by college bookstores and their student and parent customers. Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected towards credit card companies and large banks.

Congress established a lengthy, deliberative, fair, and open process for the Federal Reserve to carry out needed debit swipe fee reforms and that process is still ongoing through July, yet S. 575 is an attempt by the big banks to derail this process indefinitely. Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

We strongly encourage you stand up for education institutions, collegiate and K–12 retailers and our student and parent customers by not co-sponsoring S. 575, the Debit Interchange Fee Study Act of 2011, and also opposing any efforts to move this bill in the Senate.

Sincerely,

BRIAN E. CARTIER, CAE,
*Chief Executive Officer.*

Mr. DURBIN. In closing, I know what I am up against. Don't take on Chase and all the big banks of America—the ones that have the lion's share of these debit cards—and Visa and MasterCard and not get suited up for battle. This is a darn important battle. It will test beyond the wisdom or justice of this proposal; it is going to test who owns the United States Senate. Is this a Senate that is willing to stand up for small business across America? Is this a Senate that is willing to say we will fight for consumers even at the expense of the profits of the banks and credit card companies?

I think consumers across America know on which side we should be. I hope we will be. We were last year, with 64 Senators, Democrats and Republicans, joining to stand up for small businesses and large businesses alike, retailers and merchants. I know the big banks and credit card companies have enormous resources, and they have a reach in every direction. I know they are running commercials and sending an army of lobbyists to Capitol Hill. They also have allies in the Senate. They will pull out all the stops to roll back any effort to curb their abusive practices.

I want my colleagues to know I think Main Street is worth standing up for—certainly, when it comes to their fights with Wall Street. Small businesses, consumers, universities, labor unions, and merchants are sick and tired of the banking industry's tricks, traps, and hidden fees. They want fees they can see, and they want them set up in competition, not fixed by credit card companies. They want the Wall Street banks to play by the same rules of the road that the Main Street businesses play by every day, and I want that too. I hope the Senate does as well.

I urge my colleagues not to let the big banks and credit card companies avoid accountability for 2 more years. In the name of a study, do not give a $30 billion handout to the biggest banks and credit card companies in America. That is exactly what the amendment filed on the Senate floor will do. Do not delay interchange reform. Do not delay swipe fee reform. Don't give those banks another multi-billion-dollar handout with no strings attached.

I urge my colleagues to let the Federal Reserve do the job that was sent their way. Let them move forward with the important process of swipe fee reform.

On behalf of businesses and merchants all across America, they are counting on the Senate to be on their side to help them in reaching profitability and making sure their savings are passed along to consumers and in being the No. 1 engine for the creation of new jobs in America. Our question

is, Whose side are you on? I am on the side of small business and Main Street. I hope my colleagues will be as well.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Massachusetts is recognized.

## APPROPRIATIONS

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the previous speaker's presentation. I come to the floor to talk about the ongoing negotiations between the White House, Speaker BOEHNER, and my colleagues in the Senate regarding the appropriations for the current fiscal year.

Since the beginning of the 112th Congress, the House and Senate have been trying to find common ground to finish the appropriations for fiscal year 2011. Instead of reaching a long-term compromise, we passed no fewer than six short-term continuing resolutions.

Not only does that disrupt our military men and women who are trying to serve but also every other facet of government and people's lives throughout this country. The funding resolutions that provide little in the way of addressing our staggering deficit have little certainty with our trading partners and absolutely no certainty whatsoever to the world market in terms of our ability to manage our Nation's finances.

Sadly, rather than reaching a workable, bipartisan solution, responsibly addressing our staggering deficit, which is expected to reach $1.5 trillion this fiscal year, our leaders have repeatedly given us false choices between continuing resolution proposals that don't go far enough to reduce Federal spending and proposals that I believe establish the wrong priorities for me and my State and many other people as well throughout this Chamber.

I believe many of the choices that were made disproportionately affect low-income families and seniors. One of my Senate colleagues, if you remember, characterized this process as a ''Hobson's choice.'' I agree. The world right now is looking for two things—the world markets, financial markets—and the people who invest in this country are looking for two things. They want us to do a lean and mean budget, get our fiscal and financial priorities in line now. They are also looking for us to tackle entitlements, whether it is military, Social Security, Medicare, Medicaid, et cetera. Then they will know that, in fact, they can invest here.

When they invest, the money will be safe and they are actually going to get a good return. When Pimco doesn't even do more bonding with America, that is a sign. When we have other countries throughout the world being downgraded by the bonding services, it is a problem. We are in this financial kind of roll to negativity. We have to get our fiscal and financial house in order right away.

I have been absolutely disappointed, and I know everybody listening in the gallery and those watching today have been absolutely disappointed by the pace of negotiations between the two Chambers. We have had FAA legislation. I want to fly in a safe plane. I get that. We have done the patent bill, and I want safe drugs and everything. I get that. We are on the small business bill now, and the Senator before me spoke—I am on the committee. I am happy to do it, and I get it. But are you kidding me? We are in the biggest financial mess we have ever been in, and we are doing everything but dealing with the financial mess.

Here we are with over a $14 trillion debt. For people listening, when I came here, we had an $11.5 trillion national debt. Now it is over $14.3 trillion and counting. The deficit, unfortunately—despite passing six different CRs and an understanding that passing it would move our negotiations further along, we are once again faced with the likelihood of a government shutdown.

I never, ever thought I would be a Senator from Massachusetts and come here and say: Oh, my gosh, I was here when they shut down the government. What do I tell the staff and the people back home? I am not going to participate in that. I am going to be a problem solver. If you are liberal or conservative, Republican or Democrat—I don't care what your party is—I am going to find solutions to try to avoid any type of government shutdown. I don't want one. Nobody I am talking to wants one.

We have to get these negotiations in perspective. We have to actually express to our leaders, as I just did, that, hey, we are concerned. I want to make sure we tackle these issues.

While the Federal budget is only a small part, gosh, I can't tell you—and Senator CARPER is here. How many times have we been in committee hearings and they are talking about wasting billions and billions of dollars—$76 billion just through one program that we are attacking.

I was in the military budget hearing the other day. It is $104 billion over budget for one weapon system. Are you kidding me? Really? It is phenomenal.

We are debating cutting, I guess, $61 billion, give or take, but we don't have a problem with going over budget $100-plus billion in various programs and wasting billions of other dollars. So, on one hand, we are fighting about a small, minute part of what we are doing, and on the other hand, we are giving away the money.

There was just a report that came out that said we are wasting billions of dollars on duplication. Executive order No. 1: Let's fix it so we don't have to worry about that, and that money we save can be used for seniors, kids, Pell grants, and all of the things people are fighting about right now. I will say, however, a government shutdown absolutely serves no purpose and is in nobody's best interest—not our country's, not the workers', and it is not in the global economy's best interest.

I, for one, stand ready to work with any Senator or any Congressman or member of the administration who wants to get together and solve these very real problems. However, I am encouraged about the recent developments in the negotiations, which was the news breaking yesterday that a possible deal is close. That is great. They are talking about $33 billion. I just cited $104 billion in one military program. In Medicare, $76 billion goes out every year just because—I am happy doing it, but the world is looking for that fix, the lean and mean budget, but also for us to get entitlement reform, eliminate the waste and abuse—commonsense things that every person in this Chamber and everybody listening does in their homes and businesses.

Why can't we treat the Federal Government like a business for once? This makes no sense to me. I am not the new guy anymore. You are the new guy, Mr. President. Congratulations for being the Presiding Officer today. Being the new guy, I hope you agree with me that we have to kind of work together—and we have tried to do that, you and I, Senator CARPER, and others—to try to find that common ground. I think we agree on the number. It is just a question of do we tackle it here or there.

I am from the approach of let's do a little of everything and satisfy every special interest and political interest and just get the problem solved. It will take real choices, tough choices right now. Everybody listening now absolutely understands that everything is on the table. We have to be fair and judicious in our cuts. How do we go from A to Z overnight? There is no transition period or no consideration for jobs, and, actually, the safety of people in some of these cuts.

I stand ready to work with each of you to do what it takes and put politics aside. Listen, is there an election this year? I don't think so, because I am looking at 2011 right now—2011, as the one year, the one chance we have to actually solve problems, folks. In 2012, we can do whatever we do in the political season. I get it. For right now, we have a great opportunity to send a message to all those folks who say Washington is broken. In Washington, it is like, you are great, you are great, everybody is great. Senator CARPER is great. He is one of my best friends here. But, listen, outside Washington, they have no clue what we are doing. They don't trust us or think we are addressing the real problems that affect our great country.

Our collective work begins by having a clear understanding of the seriousness of our budget concerns. I know we have had bipartisan meetings. I am so encouraged, as a relatively new Member, that we have had about 60, 65 people come together to hear the number. Is it fact, fiction, or real? What is it?

We agree we are in trouble. So why aren't all the leaders of this great country—and there is plenty of blame to go around—getting together and seriously letting us know what the priorities are? Why doesn't the President call my office, or anybody else, and say: Scott, these are my priorities. I challenge you to work with me to get them done.

What are his priorities for cuts? Does anybody up there know? I don't know. If he called you or me, I know we would give him the respect the office deserves, and we would go out and say: I will work with my colleagues, Mr. President, or Mr. Leader, or Mr. Minority Leader, and we will find those common things we can do. We can start with the report that just came out and eliminate all that duplication. In some instances, I think it was 26 agencies doing the same thing. Are you kidding me?

I believe the responsibility we have been given is huge. Look at these young people. A lot of them came to the charity basketball game we had last night. It was so exciting to see their faces. They are excited to be here. Every one of them is saying: Oh, my gosh, I have been in the Senate, working for these people. We look up to them, and we expect them to do better and be better. They challenge us on a daily basis just by those bright eyes, the fact they are out back studying when they have a few minutes—some more than others, I might add—and they are looking for us to solve problems. It is really not even them we are worried about; it is their great-grandchildren.

If we do nothing—is that what you want us to do, folks, nothing? I am not going to be part of the do-nothing caucus. I am going to look to find commonsense solutions and work toward commonsense goals, regardless of the outcome. If I lose, whatever, but I will have played a role in history. Right now, at this time, we need to make a difference, a change.

I am so hopeful and I am an optimist. I believe we can do it better. I believe we have an opportunity to do it better right now. With our leadership and that of the other Senators who are going to be here soon, we can get together and solve the problems. We can battle in 2012. The country is looking at us now to make a difference. I hope we will find the ability to do so. If we don't, then we will have missed a great opportunity to solve problems.

Thank you. I appreciate the Chair's patience and his occasional smirks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to say to the Senator from Massachusetts, I saw no smirks on the face of this Presiding Officer.

Mr. BROWN of Massachusetts. It was a good smirk.

Mr. CARPER. He is a breath of fresh air and so is the Senator.

I wish to follow up. I was not planning on doing this. I wish to talk a little bit about clean air and the responsibilities the Environmental Protection Agency has to meet the Clean Air Act. I wish to follow up on a point or two Senator BROWN has mentioned.

He talked about the deficit. I go back a little over 2 years ago, when then-Senator Barack Obama stood right over there and gave his farewell address to the Senate. It was a good time. A bunch of us were here to hear what the next President of the United States had to say.

When it was over, he went down to where all the pages were sitting. Senator Obama went down and shook hands with the pages. He walked up this aisle to walk out. I walked over to him—as he was speaking, I had written down six points I thought he should focus on to reduce the deficit during the time he is President. He looked at my list and said: I can't read your writing, TOM. I said: I will send you an e-mail.

By the end of the day, I sent him an e-mail amplifying on the six points I mentioned. Among the points I suggested is, we have a lot of improper payments in this government. We are overpaying billions of dollars, mistakes, and we need to do something about it.

I told him we have a lot of fraud in Medicare and Medicaid. We need to, once we identify the fraud, have private sector contractors recover the money, get it back for the Treasury.

I told him we have a problem with surplus property. There is a lot of property. We own thousands of pieces of property and land we do not use. We should sell it and stop paying utilities and security for that property.

I said: We have cost system overruns for major weapons systems, and we need to do something about that. I said that in 2000, a major weapons system cost about $42 billion. By 2005, a major weapons system cost about $200 billion. By 2007, it was like $295 billion. I said: We have to do something about major weapons systems cost overruns. That should be on your to-do list, if I can be so bold.

I mentioned taxes. There is a lot of money owed by companies to the Treasury not being collected. The IRS thinks it is over $300 billion a year.

That is a pretty good bucket list for a new President-elect. I urged him, when he put together his administration, to focus on those points.

Everything I just mentioned, the Committee on Homeland Security and Governmental Affairs has been working on. Federal financial management—everything I just mentioned we have been working on, not every day but every week. We have been working on this list.

Last month, we had a top official from the Department of Health and Human Services before our committee. Their responsibilities include overseeing Medicare and Medicaid. It turns out that improper payments, honest mistakes made in Medicare, were about $45 billion last year—$45 billion. Overall in the government, not counting the Department of Defense, it is $125 billion. This is not fraud. These are mistakes, accounting errors—$125 billion. About half of it was Medicare. The administration testified before our committee about 1 month ago and said with regard to the improper payments for Medicare, which last year were $50 billion: We promise to cut that in half from $50 billion to $25 billion—a huge reduction.

Eric Holder, our Attorney General, reports that in Medicare, he thinks the annual fraud numbers could be as much as $60 billion. Last year, the Attorney General recovered about $4 billion in fraud. The good news is that is more than we have ever recovered in any other year since keeping records. The bad news is there is $56 billion more cash on the table we need to get.

We also put in the affordable health care law a number of tools for the Department of Health and Human Services and the Attorney General to reduce improper payments, reduce fraud, and get the money that has been misallocated and fraudulently taken. Those are a couple things.

It is not as if no one is doing nothing. Some of us are doing a whole lot. One of the things we are trying to do in our subcommittee—and Senator BROWN is the ranking Republican on that subcommittee. We have ROB PORTMAN, CLAIRE MCCASKILL, and TOM COBURN—people who do care about spending and trying to make sure we spend the taxpayers' money more effectively.

What we are trying to do is replace what I call a culture of spendthrift with a culture of thrift, to look at every program, whether it is domestic programs, defense programs, entitlement programs, tax expenditures, tax loopholes, tax credits, to make sure we are getting the best bang for our bucks and, where we are not, to do something to fix it. We are actively involved in that and actually getting some results. We obviously need to do a whole lot more. I was not planning on speaking to this issue, but I wanted to mention that.

Second, I wish to follow up on the comments of our Democratic whip, Senator DURBIN, who authored legislation called the interchange amendment. He talked about it before Senator BROWN did.

There have been times in my life as Governor and a former naval flight officer and in the Senate when I did things that had unintended consequences. I had the best intentions, but there were unintended consequences to what I did. In my view, flowing from the interchange amendment we adopted and adopted in conference are unintended circumstances. The intent was good, which was to try to make sure that more of the money from the fee that is collected from swiping our debit cards went to the

consumer, not to the banks and not to the merchants. There is reason to believe consumers may not benefit from this at all. There was an effort to try to protect credit unions and smaller banks in the interchange amendment. As it turns out, the people who have been lobbying the loudest and pressing the most are the credit unions and small banks, community banks, saying there are unintended consequences.

My hope is we can slow the process down, hit the pause button for 1 year and figure out what the unintended consequences are and see if we cannot let cooler heads prevail and avoid unintended consequences and do something that actually may be good for consumers.

## CLEAN AIR ACT

Mr. CARPER. Mr. President, what I came to the floor to talk about—and I would like to do that now—deals with clean air, it deals with jobs, it deals with the responsibilities the EPA has with respect to clean air and to make sure that as they execute their responsibility, they are mindful of jobs.

A lot of people think we cannot have cleaner air without destroying jobs. As it turns out, we can have both. We can have cleaner air. We have had it for years. We adopted the Clean Air Act in 1970, with major amendments to it in 1990. We literally created millions of jobs from that act to reduce the emissions of sulfur dioxide, nitrogen oxide, mercury, and other forms of pollution that, in many cases, have killed people—hundreds of thousands of people—over the years. We not only save lives, we improve health in the country. We put a lot of people to work coming up with new technologies that reduce harmful emissions. We have a lot of people working in this country to reduce emissions from our cars, trucks and vans and doing it in a way that gives us better gas mileage.

When I filled up my car with gas over the weekend, it was about three and a half bucks per gallon. As the Presiding Officer knows, we are going to start building by the end of next year in our old GM plant new cars, Fisker, cars that drive about 80 miles per gallon. They are beautiful. Chevrolet is selling the Volt and will sell more in the years to come. They are making huge improvements in mileage. We are getting this greater improvement in mileage and reducing our dependence on foreign oil, cleaning up the air, and putting a lot of people to work. This is one of the deals where we can have our cake and eat it too.

I just came from a Bible study group. There were very nice comments, Mr. President, about you yesterday at the Prayer Breakfast. Before that I did a telephone townhall. Initially, I learned this from BOB CORKER, a Republican Senator from Tennessee, who shared this idea with me a couple years ago. You get a big conference call with people in your State. We had 5,600 people on the call. We spent about an hour together. They raised all kinds of issues.

One of the ladies on the call asked me: Why are we letting EPA tell companies what they can do with respect to their emissions? We are going to destroy jobs. As it turns out, the premise is not correct. It is not that the EPA wants to do this; it is their job. The EPA is being told by the U.S. Supreme Court that under the Clean Air Act, if the EPA can show through good science that there is harm to our health or to the welfare of the people by virtue of our pollution, EPA has no other choice but to regulate it if we will not pass laws to do that.

We have not passed laws. Some people say: Why don't we put a tax on carbon, on things we burn and that have carbon in them to make it more expensive and maybe people will use less of it. We are not going to put a tax on carbon around here. I don't know that too many people have the political courage to do that.

We argued about what President George Herbert Walker Bush did to reduce acid rain, reducing dramatically through market systems sulfur dioxide. We met our reduction targets in one-half the time at one-fifth the cost. People do not talk about acid rain anymore. There is an effort to take that approach and apply it to carbon dioxide. There are not the votes here to do that either.

EPA has basically little choice when the Supreme Court interprets the Clean Air Act. They have to do something. We have not done our part, so the job of EPA is to pass commonsense regulations which will be mindful of their impact on jobs. As it turns out, we are going to create a lot more jobs by virtue of cleaning up our air than we are going to lose in terms of employment opportunities.

The last point I wish to say, if I may, is the Presiding Officer and I live in Delaware, the first State to ratify the Constitution. We are enormously proud of our State, as our colleagues are of their States. In Delaware, we do not have mountains. One does not find the Blue Ridge Mountains or the Rockies there. We are a pretty flat, low-lying State, just north of Maryland, just south of Pennsylvania, and just west of New Jersey.

I joke with people. I say the highest point of land in Delaware is a bridge, and that is not much of an exaggeration. We are a low-lying State. Something is happening in our lovely little State. We do not have a lot of land. We are starting to see the sea level rise. It is not just on the Delaware beaches and shores, it is happening up and down the East Coast, in the gulf, and over on the West Coast as well.

We have great beaches—Rehobeth, Bethany, Dewey, and others. We used to replenish our beaches maybe every 5 or 6 years. The waves come in, storms—nor'easters, maybe an occasional hurricane. We have to replenish our beaches. We have to do it more frequently now, not because of storms but because the sea level is actually starting to rise.

As the Presiding Officer knows, just north of Rehobeth Beach—a great little beach town—just north of Rehobeth Beach, about 10 miles, is a beautiful natural wildlife refuge called Prime Hook. It is right on the Delaware Bay. Prime Hook has a number of beautiful freshwater wetlands and marshes. It is a great place for people to hike, watch birds, and do all sorts of activities. It is a real national treasure. We are starting to see saltwater intruding and taking over what had previously been freshwater marshes and wetlands.

If we look at the Delaware River from the Delaware Bay, north up the Delaware Bay, it becomes the Delaware River and we head up to Pennsylvania and into New York. As we go farther and farther up the Delaware River, in recent years, we find that instead of turning from saltwater to brackish to freshwater, that line moves farther north.

Something is going on. Maybe people do not want to recognize or acknowledge that, but something is going on. We are seeing strange kinds of tornadoes, frequency of tornadoes, thunderstorms in the middle of winter. Out of the 10 hottest years on record, 9 of them have occurred in the last decade. Something is going on here. EPA is trying to figure out if there is some way we can gradually reduce the emission of greenhouse gases into our air and do so consistent with a strong economy and creating jobs, not destroying. I think we can do both. We have to be smart to figure that out and have a partnership with the executive branch, businesses and the legislative branch and be consistent with what the Supreme Court has ordered EPA to do.

One last, quick point. We spend more money for health care than Japan, by far. We spend more money on health care than any other nation on Earth, by far. In Japan, they spend half as much as we do for health care and get better results, everything from higher life expectancy to lower infant mortality. They cover everybody. Think about that: They spend half as much, better results, and they cover everybody. How can they be that smart and how can we be that dumb?

One way we can spend less money on health care is to, frankly, have cleaner air. We cannot only save billions of dollars—we have already made great progress—but we can save tens maybe hundreds of billions of dollars in health care costs by continuing to clean our air, to make it cleaner.

With that, I am happy to conclude. It is a joy to be here and see you, Mr. President, presiding in this Chamber and with all these young people to recount one of my favorite stories about Barack Obama and the six points I gave to him 2½ years ago to reduce the deficit. We are actually starting to do that, knowing we need to do a whole lot more.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## DEBIT CARD INTERCHANGE FEES

Mr. TESTER. Mr. President, I rise today on behalf of rural America. All of Montana is rural America. Despite good intentions, rural America too often gets overlooked when we pass bills here in the Senate.

That is what happened when this body passed an amendment limiting debit card interchange fees last year. It was an attempt to address a problem. But like people on both sides of the aisle, I voted against it. I knew it was a mistake because it had unintended consequences that would hurt rural America.

It is a mistake now. Since we took that vote, the regulators have said that the small issuer exemption for banks and credit unions with assets of less than $10 billion—which is what that amendment said and the reason why many Members supported the amendment—simply won't work.

In a Banking Committee hearing back in February, Chairman Bernanke said:

> We are not certain how effective that exemption will be. There is some risk that that exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent that we would see for larger banks.

At that same hearing, FDIC Chairwoman Sheila Bair, referring to small banks and credit unions, said:

> I think it remains to be seen whether they can be protected with this. I think they're going to have to make it up somewhere, probably by raising fees that they have on transaction accounts.

The Acting Comptroller of the Currency has said that the Fed's proposed rules have ''long-term safety and soundness consequences—for banks of all sizes—that are not compelled by the statute.''

The regulators who have been tasked with implementing these rules have said they simply cannot guarantee that small issuers can be exempted from these rules—small issuers being community banks and credit unions. Market forces will drive rates down for the community banks and credit unions that are supposed to be exempt from these rules.

A lot of my colleagues, Republicans and Democrats, agree. Fortunately, we have the opportunity to fix things. I am asking for your help to apply the brakes so we can stop the unintended consequences that come with allowing the Federal Government to set the price of swipe fees on debit cards.

This morning, someone asked me: Why is a farmer from Montana leading the charge on an issue such as this? Well, it is simple, really. I am not in this fight for the big banks. I don't think these rules are going to help the consumers one lick. The cost of a hamburger isn't going down by a few cents if this is enacted. And there are no assurances that retailers would pass these savings on to consumers. Let's just say there is a reason Walmart is dumping in a ton of money to fight against this.

I am stepping into the middle of this fight because when the government sets prices on debit card swipe fees, it is the little guys who get hurt. Rural America pays the price. Community banks and credit unions get socked. We can't afford to let that happen, and we can prevent it.

Community banks and credit unions are a critical part of America's economic infrastructure. Without them, small businesses or family farms and ranches in America would go by the wayside. When farmers and ranchers need to invest in a new piece of equipment or buy feed or diesel fuel, who do they turn do? To the community banks and credit unions; organizations such as the Stockman Bank, the Missoula Federal Credit Union, the First Interstate Bank, or Yellowstone Bank. The list goes on and on.

America's community banks and credit unions are the backbone of our small businesses. These financial institutions are the ones that help small businesses grow, help small businesses create jobs, and help keep rural America growing—not the Wall Street banks.

These rules do not allow community banks or credit unions to cover legitimate costs associated with debit card transactions. These are guys who simply don't have the means to eat the cost of debit card fees that are limited by the Federal Government—and they don't have the volume to make up this revenue elsewhere, as the big guys do.

For community banks and credit unions, this rule will only add to banking costs, and it will prevent community banks and credit unions from being able to compete with the big guys. If they can't compete with debit products, they will lose customers.

It will also limit the use of debit, pushing folks toward credit instead. Already community banks are talking about limiting debit cards to $50 or $100, or ending free checking, or adding new fees to ATM withdrawals—measures that will, in the end, cost customers.

This rule will further consolidate the financial industry, and that is the last thing we need in this country. But in rural America, what financial consolidation means is that community banks and credit unions will have to compete with Wall Street, with one hand tied behind their back. Not only will that hurt Montana's farmers and ranchers and small businesses, not only will that hurt the ability for rural communities' businesses to create jobs, it could result—and I think it will result—in community banks going out of business altogether. The same is true with credit unions.

That is not what anyone would call ''reasonable and proportional.'' Yes, there is supposed to be a ''carve out'' in this rule for community banks and credit unions. But both Chairman Bernanke and Chairwoman Bair tell us this exemption simply will not work.

Only in Washington will you get criticized for trying to make sure that legislation actually does what it is supposed to do. Only in Washington does this mean you are trying to ''kill the bill.''

Some have said this means billions in interchange fees that multimillion dollar box stores will have to pay. But truly, these rules are going to put community banks and credit unions out of business—the same institutions that are the lifeblood of rural America.

It is a fact that the folks who are going to be hurt—and this is the bottom line with this—will be the small businesses, the community banks, and the credit unions, not the big box retailers.

That is why Senator CORKER and I and a whole bunch of our colleagues on both sides of the aisle voted to stop this rule and take a look at the unintended consequences. Let's slow down, let's study the issue, and let's find a thoughtful and careful solution. If we do not do that, we will see our critical community banking infrastructure disappear. This issue is not about picking sides; it is about making sure we do not trample on the financial infrastructure rural America needs to stay in business.

I ask my colleagues for their bipartisan support on a responsible bipartisan bill. Our economy cannot afford to let this rule go into effect until we study its impacts, both intended and unintended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

## EPA AMENDMENTS

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business.

This afternoon, quite possibly, or another time, quite possibly, we will have very significant amendments that will strip EPA of its mandate to protect the American public from pollution which threatens our public health and welfare by inducing climate change.

Specifically, I strongly oppose the McConnell amendment, which would be a complete stop-work order for the EPA to reduce carbon pollution.

I also oppose Senator STABENOW's amendment number 265, which would strip California of its right to impose tailpipe emission standards beyond Federal standards. California has had the right to go beyond the Federal standards to protect its citizens from dangerous pollution since 1970. That is 40 years.

I oppose Senator ROCKEFELLER's proposal to prevent EPA from studying, developing, improving, or enforcing Clean Air Act greenhouse gas regulations for at least 2 years. I oppose these amendments because they would allow polluters to keep polluting, they would endanger public health and welfare, and they would increase our dependence on oil. This is exactly the opposite of what we should be doing.

As the lead author of the bipartisan Ten-in-Ten Fuel Economy Act, with Senator SNOWE and Senator Ted Stevens, which passed this body by voice vote, I would like to explain why the McConnell amendment would undermine fuel economy and lead to less efficient vehicles in the United States.

The amendment would legislatively prevent EPA from acting to reduce vehicle emissions that threaten our public health after 2016, and it would also strip California of its right to protect its own citizens from dangerous pollution. The prohibition would undermine the bill we sought to pass and did pass, and it was signed by President Bush; that is, 10 miles of increased fuel efficiency in 10 years. It directed the Environmental Protection Agency and the Department of Transportation to work cooperatively to increase fuel economy and decrease pollution. This was a big win.

I began in 1993 with Senators Slade Gorton and Dick Bryan—no longer in the Senate; one from Washington and one from Nevada—and we sat right over there and tried to draft some language for a sense of the Senate—something as benign as a sense of the Senate—to begin to work on automobile fuel efficiency, and we could not get it passed.

Then Senator SNOWE and I got together on an SUV loophole closure bill. That went on for several years, and we could not get that passed.

Then there was the ten-in-ten fuel efficiency bill, and, voila, we were able to get it passed. It is going well. Cars are more fuel efficient, and the corporate average fuel-efficiency standards are being established in a much more constructive way based on science. As a result of the law, the administration has put forward the most aggressive increases in vehicle efficiency since the 1970s, increasing fleetwide fuel economy to 35 miles per gallon by 2016. The final rules will save about 1.8 billion barrels of oil and reduce greenhouse gas emissions by nearly 1 billion tons over the lives of the vehicles covered. It seems to me that is very good public policy. As a result, American consumers benefit. They will have more efficient vehicles, and they will pay less for gas. And those savings are considerable.

This single program to reduce oil consumption and greenhouse gas emissions under the Ten-in-Ten Fuel Economy Act and the Clean Air Act results in an aggressive policy to advance the goals of both laws. The regulations also demonstrate that strong Federal standards are the best means to ensure that California and other States are not legally obligated to enforce more aggressive standards to protect the health of their citizens—a right Californians have had since 1970.

Bottom line: These harmonized standards demonstrate the success of ten-in-ten fuel economy. Despite the tremendous success of this first round of joint fuel economy and tailpipe regulations, the McConnell amendment would prevent the EPA, the Department of Transportation, and California from pursuing cooperative and coordinated standards again. Similarly, the Stabenow amendment number 265 would prevent California from participating in this process. This would halt an ongoing cooperative process to set a single set of cost-effective standards for cars, trucks, and SUVs from 2017 to 2025 which will increase fuel economy, which will reduce pollution, and which will save Americans billions of dollars.

It is backward public policy. EPA and the Department of Transportation have already conducted the technical assessment which demonstrates the significant increases in fleetwide fuel economy—6 percent annually—which is both technically feasible and cost effective for consumers. They are working to complete a single set of standards in full cooperation with California. But the McConnell amendment and Senator STABENOW's amendment number 265 would stop this effort because the auto industry would prefer to sell gas guzzlers that continue our dependence on oil, and the amendments prevent waivers that have been a part of the Clean Air Act for decades, preventing leading States such as California from doing anything beyond the national standard. So it both handcuffs and cripples corporate average fuel efficiency. It stymies it. It stops it.

California has 38 million people. We are our own pace setter. We want to work with the rest of the States to have a unified standard so that we are not our own economy, so to speak, with fuel efficiency. That is the right thing to do, and it is happening now. This would put an end to it.

The amendments prevent waivers, as I said, that have been part of this act for decades. That means that never again, no matter what the situation is, can there be a waiver for greenhouse gas emissions. It would turn back the clock on historic efforts to improve the efficiency of the Nation's automobiles and slow any future effort to reduce pollution and improve fuel economy.

Bottom line: A vote for this amendment is a vote to increase our susceptibility to oil market price spikes, let there be no doubt, a vote to increase how much Americans will spend at the pump for decades to come—it will be much more—and a vote to increase pollution that threatens our public health.

Unfortunately, these amendments not only stop the vehicle rules, the McConnell amendment strips EPA of its authority to enforce the Clean Air Act with regard to pollutants that EPA scientists have conclusively determined endanger public health, an endangerment finding that the Supreme Court ordered EPA to make in the 2007 Massachusetts vs. EPA decision. The Stabenow and Rockefeller amendments similarly delay this action. Polluters would be able to continue to pollute, and the agency charged with protecting us from this pollution would be powerless to stop it or even limit it.

Blocking the Clean Air Act and its lifesaving protections makes no sense. This act has had a long and successful track record of reducing pollution and protecting the health of our children and our families. Since its passage in 1970, the act has sharply reduced pollution from automobiles, industrial smokestacks, utility plants, and major sources of toxic chemicals and particulate matter. In its first 20 years, the act made real strides in reducing pollution, and that provided enormous benefits for public health. In 1990 alone, the act prevented 205,000 premature deaths, 674,000 cases of chronic bronchitis, 22,000 cases of heart disease, 850,000 asthma attacks, and 18 million child respiratory illnesses.

The Clean Air Act continues to provide benefits for our children and our families. Emissions of six common pollutants have dropped 40 percent. In 2010, 1.7 million asthma attacks were prevented and 130,000 heart attacks and 86,000 emergency room visits. That is in 1 year alone, this past year. And it provides economic benefit to the United States.

Thoroughly peer-reviewed studies have found that for every one dollar spent on clean air protections, we get $30 of benefits in return. In 2020 alone, the annual benefit of the Clean Air Act's rules is estimated to be nearly $2 trillion.

Advocates for these amendments argue the United States cannot afford environmental protection. They continue to say we must poison our air and water in order to develop our country. I don't believe that. Pollution is a burden on our economy. It is not a force for good. Cost-effective reduction makes our Nation stronger, not weaker. We harm our economy when we ignore pollution. Time and time again, the people of California have demonstrated that we are unwilling to choose between a healthy environment and a healthy economy, because we choose both. And so should the United States.

I strongly encourage my colleagues to reject these misguided amendments,

whether they come up this afternoon at 4 o'clock or another time, that would let polluters off the hook, that would increase our dependence on oil, that would decrease the mileage efficiency of automobiles and light trucks and would harm the environment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## EPA REGULATIONS

Mr. ROCKEFELLER. Mr. President, all of my colleagues, I think, know by now, after all of these months, almost years, how deeply I feel about the need to stop EPA regulation for a period of time so Congress can have the time we need to develop a smart energy policy, which we have not. It is enormously important to the people of West Virginia.

Having said that—and I will say quite a lot more—I cannot tell you how strongly opposed I am to the McConnell-Inhofe amendment, not only because it goes too far, not only because it eviscerates EPA from some fundamental responsibilities it has—for example, CAFE standards—but it has absolutely no chance whatsoever of becoming law—none. Mine does. Theirs does not.

Do we think we are going to pass, and the President is going to sign, something that eliminates EPA forever? Oh, they will say: Well, we can always change that in a couple years. No, it is not that. It is a theological decision to pick out a campaign issue for 2012, and that is fine because that is the way things go. But to destroy the EPA permanently is an act I have not seen since I came here. There will be people in many States, including my own, who think that is a wonderful idea, but I would ask them to think more deeply.

The McConnell-Inhofe amendment makes a point, but it doesn't solve a problem. I am here to solve problems. So is the Presiding Officer. The amendment would take away EPA's ability to address greenhouse gas emissions forever. It doesn't make any difference what happens 5 years, 10 years from now—all the nuances that have to be made in policy or in regulation; if the air starts cleaning up, maybe things can lighten up a little bit; if it doesn't clean up, maybe we have to do something. But they want to take away and put out of business forever the EPA, which looks out for the health and the safety of everyone who lives here, and it would be permanently banned from doing its job. Is this an adult amendment? It can't be.

People must only be looking at the next election, or they must be afraid. To be afraid of voters is not a good thing. That is a quick way to lose. Telling the voters the truth—the Presiding Officer is pretty good at this—is what is more important in public policy. So they burn EPA forever. They can't do anything, no matter what we know or what we learn in the future about greenhouse emissions. They want the total elimination of EPA's role, with no other structure in place. Having nothing in place is irresponsible, unrealistic, and immature.

What we need is a timeout to stop the imposition of EPA regulations—regulations that don't allow for the development of clean technologies, and that would hurt the economy at a critical time in our recovery, but to do it in a way that keeps us all focused and working on a long-term energy policy which doesn't say close down. We should have a pause here, the pause that hopefully refreshes our ability to do clean energy policy. My bill would be effective from the date of its passage, were it to pass, so it would be 2 years. That is plenty of time to be able to come up with an energy policy. We have avoided doing that for so long now, and I think a lot of that is politics, and it is very sad.

The Environmental Protection Agency, I have to say, including to my own constituents, is not a frivolous agency. It is the object of much scorn in my State and a lot of States that produce coal and probably in the minds of a lot of Senators. It was created to regulate pollution. We think back to wartime London where people couldn't see 5 feet in front of their faces. I think back to when I was a student in Japan for 3 years at the end of the 1950s, and we couldn't see 3 feet in front of our faces. Now all of a sudden we can see for thousands of miles, so to speak, because the air is clean.

Again, the Environmental Protection Agency is not a frivolous agency. It was created to regulate pollution. That is its job. Does that make it uncomfortable? Yes. Does that make me want to pass my amendment? Yes, to have a stop for a period of 2 years where they cannot go to stationary sources and others and say that you can't do anything. It is a pause, but at the end of the pause, it doesn't put EPA out of business—that would be crazy.

It is Congress's job to legislate, and that includes energy policy—granted, stipulated. I think the Presiding Officer would say that is lawyer's speak: It is stipulated. It makes it a fact. Congress passed the Clean Air Act in 1970 and has updated it in the decades that followed. Is the Clean Air Act perfect? Certainly not. Certainly not. Very few laws ever are, which is why we are always open to making them better. But eviscerating the EPA's ability to do its job forever is nonsense. It is childlike: I will take my football and I am going home. It feels good.

Some folks will get up and cheer, standing up for coal. We know what this does. This is standing up for natural gas. We have a lot of natural gas in West Virginia. Natural gas has 50 percent of the carbon dioxide that coal does. So people think that by doing this, people are going to go ahead and burn coal in powerplants and other places. They are not. North Carolina already has 12 powerplants which are being switched from coal to natural gas—probably more by now. That was about a year ago. Ohio is doing some of the same. Other States are doing some of the same. Natural gas is abundantly plentiful. I like natural gas. It is a terrific thing. It is 50 percent as dirty as coal, but it is less dirty and it is cheaper. So powerplants are going to that.

I am trying to figure out in my mind, How does that help West Virginians? How does that help West Virginia coal operators or, more importantly to me, coal miners? If people are suddenly making up their mind that they are going—and I have had the president of American Electric Power tell me this directly: Of course we will switch to natural gas. He put it more succinctly. He said: I would use banana peels if they could produce heat. They don't stay with coal out of loyalty. They have to deal with certainty. Here we create permanent punting about what the landscape is going to be for energy use and the making of electric power in our country.

Again, may I please bring up once again that this bill has no chance of becoming law—the McConnell-Inhofe bill has no chance of becoming law. So why do they do it? They have to know that. I don't think it will pass here. It certainly isn't going to pass at the White House. In politics you can say, Oh, I wish there were a Republican President in the White House. There isn't. There is a Democratic one. He is not going to let this happen. He is not going to have an executive agency with an enormous amount to do with CAFE standards and all kinds of regulations obliterated, eviscerated, eliminated. He won't do that. He will veto it if it should ever get that far.

So what is going on in their minds? What do they think they are doing? Are they trying to impress their constituents, holding high a banner saying, Look, I am courageous; I will get rid of this whole EPA thing and we can all celebrate together? Pretty shortsighted, I would say. Pretty shortsighted. Feel good? Yes. Do good? No.

I think it is well known in West Virginia we have very serious disagreements with EPA. I say all kinds of things about the EPA constantly in all kinds of situations, but people do care about clean air. They do care about clean water also. It is not a sin. Sometimes in America you can get the best of both worlds. We want a strong future for clean coal and we want a national energy policy that protects and promotes clean coal.

Let me make a point. When I say the words ''clean coal,'' the only hearing of that is ''coal.'' People don't hear the word ''clean.'' So I have to make a

point here. Don't blame coal miners for this. Coal miners go into the mines every day in these unbelievably difficult situations and they mine the coal that is there. It has been there for a billion years that God put there. That is their job. Maybe it is high ash; maybe it is low ash. Maybe it is high sulfur; maybe it is low sulfur. They mine what is there, and then that gets shipped to a powerplant or to other countries for steel-making purposes.

One of the ironies about all of this is some of the loudest anti my amendment—my little 2-year amendment that stops at the end of 2 years—comes from coal operators who actually don't ship much coal to powerplants. They ship most of their coal, because it is low sulfur, overseas to the growing market in South Korea and China and a lot of other places, including Japan. So what difference does it make to them? None. But they want to be in the chorus so they join the chorus about let's get rid of EPA. They are not affected. They are mainlining it right overseas and making tons of money because it is very low sulfur coal and very good for making steel.

We know if coal is frozen in time the way Senators MCCONNELL and INHOFE are proposing, it will be rapidly eclipsed by other energy sources. Oh, yes, most especially natural gas. We have so much natural gas in West Virginia that you could swim in it if you could get about 10, 15 feet underground. I like natural gas. It is a great asset to have it in Marcellus Shale. The problems of fracking can be solved, and will be through technology. But that is what is going to happen. Then our coal miners are going to look at some of their representatives on both sides of the aisle here and in the House and they are going to say, Now wait a second. I thought you were protecting me. How come I am not mining coal? How come some of these powerplants have now switched to natural gas, in the majority, let's say, a few years from now?

So McConnell-Inhofe as an amendment codifies the vicious uncertainty that is threatening coal today. Electric utilities are right now making, as I have indicated, investment decisions based upon that uncertainty. It is a bad place from which to make a decision. And with very few exceptions, logically—that means they are not building or rebuilding coal-fired plants—natural gas will overtake coal. West Virginia wins in either case because we have so much coal, we have so much natural gas. But in this particular amendment, I am trying to protect coal miners and their jobs by having carbon capture and sequestration, by having a policy, and there are others that are out there. We already have two in West Virginia which are taking more than 90 percent of the carbon out of coal. They are at work. American Electric Power Company, Dow Chemical Company, they are both doing that, both making money out of it, and yes, the government helps. But they are taking more than 90 percent of the carbon out of coal. Doesn't that turn coal into clean coal? Isn't clean coal what we want? Isn't that what we have to have?

This is all part of a drive for an energy future for West Virginia coal miners and others, other people around the country, for a clean energy future. In effect, my amendment is a timeout. It is the timeout we need. It is the only option on the table that can pass. It can pass. It is fine to bring an amendment here which makes us feel good—muscular, antigovernment, let's make government smaller; let's get rid of government—and swell your chest and feel good and put out a great press release, but then it ends up not passing the Senate or it ends up getting vetoed. One of the two is going to happen. So it is a nonstarter.

I think a lot of those on the other side of the aisle are going to throw the vote for political purposes, as I indicated. If we can remember back to the Omnibus Act in December of last year, the Chamber of Commerce, the National Association of Manufacturers, the coal association, all Republicans had agreed to vote for my 2-year amendment.

It was a timeout amendment. All of them. The papers calculated who it was, how we would get the 60 votes, and we got there. And then what happened—and this is a little bit in the weeds, and I apologize for that—but all of a sudden, nine Republicans withdrew from that omnibus agreement, so there was no way for it to come up. Why? I don't know. Was that the beginning of a massive plan of thinking that we are going to make this an issue for the next 2 years so we can wipe out more Democratic seats? It certainly doesn't have anything to do with energy policy.

As I say, my amendment said that for a period of 2 years, the EPA will not have the power to enforce greenhouse gas rules on stationary sources, including powerplants, manufacturers, and refineries. So they cannot do anything for a period of 2 years—regulatory—about powerplants, manufacturing companies, or refineries—for 2 years. The moratorium would last for 2 years, and then it would stop. Why? Because 2 years is, in fact, enough time, if we can get ourselves together around here, for serious people to come up with a serious energy policy that includes clean coal and everything else on the face of the Earth that works to get our country off of foreign oil.

Two years is enough time to develop a plan to build the carbon capture and sequestration technologies and get them accepted by Wall Street, which will fund them endlessly once they are convinced they are working on a sufficient scale. As I say, this is being demonstrated by the American Electric Power Company and the Dow Chemical Company in West Virginia right now. I will repeat that they are taking 90 percent of the carbon out of coal. It sounds like a good deal, to me. Natural gas has 50 percent carbon. Clean coal would have 10 percent carbon. Which is a better deal? I think the second one is. My amendment would lead to that.

I would say 2 years is enough time to get past this pointless debate about whether climate science is real and find common ground and find solutions that create jobs, protect the air we breath, and make us energy independent.

Two years is enough time to take the big decisions about greenhouse gases out of the hands of the regulators at EPA and put them back in the hands of Congress. Greenhouse gas emissions are an enormously important issue, but they are not the only problem we face, and they cannot be allowed to take precedence over every other matter that affects our people. We really can find ways to solve this problem, protect our core industries, and lessen the costs.

The joint CAFE rule—it is a big deal—between the EPA and the Department of Transportation is a case in point and relevant to the debate today because it is also undermined by the McConnell-Inhofe amendment. The CAFE rule saves Americans billions of gallons of gasoline and reduces our dependence on foreign oil. It does it very explicitly. It keeps going up. The air gets cleaner. I think the figure is that transportation overall is something like 50, 60—maybe a little more—percent of our air pollution problems. CAFE standards become very important.

Most of us believe strongly that we need to make our cars more efficient, not just for the environment but also because of the high cost of gasoline and its impact on every American family, not to mention our national security. But under the McConnell-Inhofe amendment, EPA could never again work on fuel-efficiency standards. The recent progress we have made, which is so widely supported by industry and the American people, could be undermined. This is not a solution; it is a permanent punt—or maybe a stunt. I will not support that.

Last year, my colleagues on the other side of the aisle overwhelmingly declared their support for my amendment, as I said. The daily newspapers had come out on the Hill and calculated the 60 votes that I had to overcome a filibuster. The U.S. Chamber of Commerce was all for it.

Suddenly, some seem to want to have a fight more than a policy, and they want to have a fight for the next election more than a policy, more than they want to work together to solve the problem. Suddenly, they say: Stopping the EPA for 2 years isn't good enough; we can stop them permanently. Folks back home would love that. They say they would rather stand by and do nothing if they can't stop the EPA forever. In effect, that is correct. They think the American people will not see through that.

My amendment has been around for over a year now. People know what it does. So to call this a cover vote is disingenuous at best.

EPA's regulations that came into effect this year say that if a company wants to retrofit an existing one or build a new powerplant or factory, they now have to find ways to reduce greenhouse gas emissions. Because of these new rules, companies won't build that new factory, that new powerplant, or employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended. That is in my amendment.

Senator INHOFE has repeatedly argued that Congress needs to make these decisions. I agree with that. My bill would give Congress the time it needs to discuss the options, and my approach creates a reasonable timeout. Doing away with EPA authority doesn't give clarity; it indefinitely kicks the can down the road. My amendment, which unfortunately will come whenever it comes, no doubt won't do particularly well because all of the folks on the other side and some, unfortunately, on this side will vote for that because they think it sounds kind of neat. It probably won't do very well, but that doesn't mean it is not right.

Let's have real solutions, such as clean coal that must play a role in meeting our energy needs, and let's be sensible and bipartisan about it. West Virginia is ready to provide that coal, and so are a lot of other States.

I urge my colleagues to support my amendment and quickly turn to a discussion about our Nation's energy future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## GLOBAL WARMING

Mr. SESSIONS. Madam President, briefly, with regard to the debate over the limitations of $CO_2$, global warming gases, and the Environmental Protection Agency, Congress has never made a decision on this. The way it came out, in my view, is an example of judicial activism and a dangerous end run around popular sovereignty in America.

Forty years ago, Congress passed the Clean Air Act. That act was designed to deal with particulates and mercury and $NO_X$ and $SO_X$—things determined to be pollutants. There was no thought at that time that carbon, or $CO_2$, was a warming gas that would create global warming. It was before the global warming discussion really ever was generated.

Congress had no intention whatsoever to say that carbon dioxide, which is a plant food, which is not harmless to human beings and had never been classified as a pollutant, would be placed under the total control of the Environmental Protection Agency. But later an activist Supreme Court—5-to-4—seemed to say, but not with perfect clarity, that because now we know or we think some say that $CO_2$ is a global warming gas that could cause global warming, the EPA must regulate what really is a plant food and had never been considered to be a pollutant.

I think Congress needs to act. I think Congress needs to assume responsibility. We need to say: No, we are not prepared to direct that the Environmental Protection Agency control all $CO_2$ emissions in the country. We never intended that. We are not prepared to do that. If we want to start down that road, we in Congress will figure out how we should start down that road and how much ought to be done. But no group of bureaucrats should be empowered to regulate every farm, every apartment building, every schoolhouse, every automobile, every vehicle, every train, much less every electric-generating plant in the country.

It is a big deal about reality and power in America. It is just one more example of how judges and bureaucrats are utilizing powers really never intended to be given to them. Really, they sort of create that to impose their agenda on the rest of the country. I believe we should back away from that. That is why I support Senator INHOFE in his view.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

## EPA AMENDMENTS

Mrs. SHAHEEN. Madam President, I am here to join my colleagues who have been on the floor of the Senate today, with the leadership of Senator BOXER, to oppose amendments that would undermine the Clean Air Act. The Clean Air Act has been one of the greatest public health success stories we have ever had in this country. In 1970, Republicans and Democrats came together to pass this landmark legislation to address air pollution that was leading to countless deaths and lifetimes spent battling chronic illness, illnesses such as asthma and emphysema. That legislation, back in 1970, was signed into law by President Richard Nixon.

It is very clear that the threat of greenhouse gas emissions to public health is real. Two years ago the EPA found that manmade greenhouse gas emissions threaten the health and welfare of the American people. Their decision was not made in a vacuum and, despite what some of the supporters of these harmful amendments may claim, EPA's decision was based on the best peer-reviewed science. They were guided by the best science protecting the public health, not politics. The American Lung Association, the American Public Health Association, the Trust for America's Health and the American Thoracic Society—some of our Nation's leading public health experts—all opposed these misguided efforts to stop EPA from protecting our clean air.

We have heard the same story from polluters over and over. Today they tell us that reducing carbon pollution through the EPA will wreck our economy. Back in 1970, and then again in 1990, they said the Clean Air Act would wreck our economy. Time and again we have heard the same arguments, and they have not been true. It reminds me of Aesop's fable of the boy who cried wolf.

Since we passed the Clean Air Act of 1970, we have dramatically reduced emissions of dozens of pollutants. We have improved air quality, and we have improved the public health. The EPA estimates that last year alone the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits.

This is particularly important to us in New Hampshire and in New England because we are effectively the tailpipe of this country. In New Hampshire we have one of the highest rates of childhood asthma in the country because we are still phasing out some of the coal-fired plants in the Midwest that are causing these air emissions.

During the same period—since the Clean Air Act saved all of those illnesses and deaths last year—we have been able to grow our economy. Our gross domestic product has more than tripled, and the average household income has grown more than 45 percent. So we know we can protect public health, we can save our environment, and we can grow our economy.

I recognize that as Governor of New Hampshire when, back in 2001, we passed the first legislation in the country to deal with four pollutants because we understood that we needed to clean up our air and that we could do that and protect public health and keep a strong economy all at the same time. I wish that same can-do spirit and bipartisanship that led to the passage of the Clean Air Act in 1970 and then later the Clean Air Act amendments in 1990—I wish that same can-do spirit existed today to address carbon pollution. Instead of debating amendments to undercut the Clean Air Act, we should be working together to enact commonsense legislation to reduce carbon pollution and to continue to grow our economy.

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need from us in Washington is leadership.

I urge my colleagues to reject these amendments and then to work together to craft energy policies that can help move us away from a carbon economy and transition to a clean energy economy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## BUDGET TALKS

Mr. SCHUMER. Madam President, I rise to speak about the current status of the ongoing bipartisan budget talks. We are in a much better place than we were 2 weeks ago. The two sides are much closer than we might be able to tell from the public statements. After 3 months of back and forth, two short-term continuing resolutions containing cuts, and one near collapse of the talks last week, we are finally headed for the homestretch.

Last night, we had a very good meeting with the Vice President. Afterwards, he confirmed that the House Republicans and we in the Senate are, for the first time in these negotiations, working off the same number. As the Vice President said last night, there has been agreement to meet in the middle, around $33 billion in cuts. The Appropriations Committees on both sides are now rolling up their sleeves and getting to work to figure out how to best arrive at that number.

Today, Speaker BOEHNER said: Nothing is agreed to until everything is agreed to. That is a fair and reasonable position to take. He need not publicly confirm the $33 billion number. But as long as both sides keep their heads down and keep working, a deal is in sight. We are right on the doorstep.

But there are outside forces that do not like this turn of events. Outside the Capitol today, there was a tea party rally staged to pressure Republican leaders not to budge off H.R. 1. They want Speaker BOEHNER to abandon these talks and hold firm, even if that means a government shut down on April 8. This is a reckless, and, yes, extreme position to take.

Earlier today, the Republican leader came to the floor to defend the tea partiers rallying outside this building. Let me say this. I agree with some of his points. For instance, I agree that the fact that the tea party is so actively participating in our democracy is a good thing. They have strongly held views and they joined the debate. This is as American as it gets.

But the tea party's priorities for our government are wrong. Their priorities are extreme because they are out of step with what most Americans want. Every poll shows Americans want to cut spending but with a smart, sharp scalpel, not a meat ax. They want to eliminate the fat but not cut down into the bone. They want to focus on waste and abuse. They want to cut oil and gas subsidies. They want to end tax breaks for millionaires.

They do not want to cut border security or port security funding that keeps us safe. They do not want to take a meat ax and cut vital education programs. They do not want to end cancer research that could produce research that saves many lives. Most of all, unlike the tea party, most Americans do not want the government to shut down. They want both sides to compromise.

A deal is at hand if Republicans in Congress will tune out the tea party voices that are shouting down any compromise. These tea party voices will only grow louder as we get closer to a deal, and our resolve must remain strong. If the Speaker will reject their calls for a shutdown, we can pass a bipartisan agreement. Many conservatives whom I would otherwise disagree with, agree with me on at least this point.

It was very interesting to see on FOX News yesterday three commentators all on the same show, plainly agreeing it is time to accept a compromise with Democrats to avert a shutdown. Charles Krauthammer was adamant that a shutdown would be avoided and that if the government did shut down, the Republicans would be blamed.

Kirsten Powers, a conservative columnist, said: ''What really should happen is if Boehner could strike a deal with the Blue Dogs and the moderate Dems and just go with the 30 billion with the Senate and just move on.''

Bill Kristol agreed that while Republicans may like to pass a budget solely on their terms with only Republican votes, the reality is, the Speaker would need Democrats to get a deal done.

The tea party may have helped the Republicans win the last election, but they are not helping the Republicans govern. The tea party is a negative force in these talks. But we are close to overcoming this force and cutting a deal.

As the negotiations enter the homestretch, here is how we should define success: First and foremost, a government shutdown should be avoided. We should all agree on that. It bothers me when I hear some on the other side of the aisle or in the tea party say: We should shut down the government to get what we want.

Second, the top-line target for cuts should stay around the level described by the Vice President and that both parties are working off of. This makes complete sense, since $33 billion is the midpoint between the two sides, and it is what Republicans originally wanted in February before the tea party forced them to go higher.

Third, the makeup of the cuts, as I suggested a few weeks ago, should not come only from domestic discretionary spending. We cannot solve our deficit problem by going after only 12 percent of the budget. Mandatory spending cuts must be part of the package, and the higher the package goes, the more the proportion should be tilted in favor of mandatory rather than discretionary spending.

Fourth, the most extreme of the riders cannot be included. There are some riders we can probably agree on. But the EPA measure is not one of them, neither is Planned Parenthood or the other extreme riders that have been so controversial.

I believe we can settle on a few measures that both sides think are OK. But the most extreme ones do not belong in this budget bill. Those are issues that should probably be debated but not as part of a budget and not holding the budget hostage to them. If we can adhere to these tenets, we can have a deal both sides can live with. Time is short, and we need to begin moving on to the pressing matter of the 2012 budget.

Speaking of the 2012 budget, let me say a quick word about that. I saw today that House Republicans planned to unveil their blueprint next week. Interestingly, the report said Republicans no longer plan to cut Social Security benefits as part of that blueprint. They are admitting it is not a major driver of our current deficits. That is true, and this is a positive development.

It comes after many of us on the Democratic side, including Leader REID and myself, have insisted that Social Security benefits not be cut as part of any deficit-reduction plan. It is good to see that Republicans, including the House Budget chairman, according to the reports in the paper, now agree with us. His original plan called for privatizing the program. I hope we are not going to bring up that again because it will not pass.

But if the House Republicans instead simply insist on balancing the budget on the backs of Medicare recipients instead of Social Security recipients, we will fight them tooth and nail over that too. There has to be give on all sides—shared sacrifice, not just in any one little area.

A lot is at stake in the current year's budgets. But in another sense, it is simply a prelude to the larger discussions ahead. We urge the Speaker to resist the tea party rallies of today and the ones that are to come, to accept the offer on the table on this year's budget, and let us tackle the larger topics that still await us.

Mr. NELSON of Florida. Would the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield to my friend from Florida.

Mr. NELSON of Florida. In the Senator's opinion, why would the Republicans, particularly from the House of

Representatives, want to cut Social Security, since the Social Security system has little, if any, effect upon us getting our arms around the deficit and moving the budget toward balance over the next 10 years?

Mr. SCHUMER. My friend makes a good point. In fact, by law, the Social Security system and its pluses and minuses and the Federal Government's budget and its pluses and minuses must be separate. So by definition, by law, the two are separate. Social Security has its liabilities and assets, a big pile of assets over here, and the Federal Government has its liabilities and assets. The twain don't meet. One would think, particularly those who are saying privatize, that their opposition or desire to include Social Security in large-scale budget deficit talks, which we need and which are good—and I commend the group of six for moving forward in this direction—one would think that is an ideological agenda because they simply don't like Social Security and want to change it, privatize it, whatever, rather than any motivation about the deficit.

Then when we see that some of them may want to extend tax breaks for millionaires permanently, which would increase the deficit by a huge amount, and yet at the same time they say: Let's deal with Social Security, let's privatize it, which doesn't have anything to do with the deficit, one scratches one's head and says: I don't think deficit reduction is what is going on here.

Mr. NELSON of Florida. I thank the Senator for his erudite analysis.

Mr. SCHUMER. I thank my colleague for his erudite question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 20 minutes.

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

## DEBT AND DEFICITS

Mr. WHITEHOUSE. Madam President, Abraham Lincoln began his famous ''house divided'' speech with simple, homespun advice that we should first ''know where we are and whither we are tending,'' before we ''judge what to do and how to do it.'' We are embarked on a journey of great consequence regarding what to do about our Nation's budget and how to do it. This is a vital conversation. We simply must reduce our annual Federal deficits and our Nation's debt. But it would seem wise at this important time to take President Lincoln's advice and examine where we are and whither we are tending as we go about making these decisions.

I will touch on a few factual landmarks that may help orient us to where we are and help us learn whither we are tending. The first and most obvious is that we just weathered the worst economic crisis since the Great Depression. Few of us who were here then—I know the Presiding Officer was—will ever forget the animal fear and desperate urgency displayed by Treasury Secretary Paulsen and Federal Reserve Chairman Bernanke as they, having looked into that abyss, came to this building, to the LBJ room, and pleaded for our help to save the world economy. We are now past the worst depths of the financial and economic crises.

As this chart shows, the economic recovery measured in jobs is proceeding, though all too tentatively and all too slowly. In Rhode Island, we are still at 12 percent unemployment in the Providence metropolitan area and over 11 percent statewide. To Lincoln's question where are we, well, gradually trending in the right direction. But no one can yet rule out a double dip back into deeper recession.

Into this gradual and tepid recovery, the Republicans want to inject H.R. 1. What can we know about that? Mark Zandi, an economic adviser to Senator MCCAIN's 2008 Presidential campaign, says this legislation, the House bill, will cause 700,000 job losses. That wipes out about half of the recovery, if that number is correct. Goldman Sachs, the Wall Street investment bank, says that bill, H.R. 1, could lower GDP growth by two full percentage points in the remaining two quarters of the fiscal year. Goldman Sachs is no fool where economic numbers are concerned. It would be a perilous choice to dismiss their warning. Our present rate of economic growth is only about 3 percent. So reducing that by a full 2 percent over a year could wipe out more than half of our economic recovery. Of course, economic growth correlates to Federal revenues so the cuts' damage to economic growth would in turn create revenue loss, so there would be less deficit reduction. That is one landmark of where we are. We are in a too-slow economic recovery from what was nearly a second great depression, and we face a bill from the House that threatens that too-slow recovery.

Another mark of where we are and whither we are tending relates to the balance between regular Americans and corporate America's respective contributions to our Nation's revenue. In 1935, regular Americans and corporate America evenly split the responsibility to fund our country's obligations. Then in each of these indicated years, it broke through the following ratios: humans twice as much as corporations in 1948; three times as much in 1971; four times as much in 1981; and recently the ratio broke through 6 to 1, individual Americans contributing more than six times the revenue that corporate America contributes. When people say how overtaxed corporate America is, it is worth looking at the facts of where we actually are and whither for decades we have been tending—ever diminished corporate contributions to our Nation's revenues.

Look next at how we collect revenues. Look at the landmarks of our dysfunctional Tax Code. Start with what it takes to comply with our beast of a code. The National Taxpayer Advocate, an independent office within the IRS, has calculated that Americans spend 6.1 billion hours of time engaged in tax compliance each year. Think of what could be invented, what could be built with 6 billion hours of human work. Instead, it is all consumed, every year, in the economic dead weight loss of tax compliance. In terms of where we are, that is an important fact, and it is an abysmal place to be.

Let me take my colleagues to another place. Here is a picture from our Budget Committee Chairman KENT CONRAD taken in the Cayman Islands. This nondescript building doesn't look like much. It certainly doesn't look like a beehive of economic activity. But over 18,000 corporations claim this building as their place of business. It gives a whole new meaning to the phrase ''small business'' when we think of 18,000 corporations claiming that building as their place of business. As Chairman CONRAD has pointed out, the only business going on here is funny business, monkey business with the Tax Code, tax gimmickry. This is estimated to cost us as much as $100 billion every year. For every one of those dollars lost to the tax cheaters, honest tax-paying Americans and honest tax-paying American corporations have to pay an extra dollar or more to make up the difference.

Here is another building with a tax story to tell about where we are as we look at our budget debate. This is the Helmsley building New York City. This building is big enough to be its own zip code so that the IRS reports of tax information by zip code can tell us a lot about this building. Here is what this building tells us from actual tax filings. The well off and very successful occupants of that building paid a lower tax rate than the average New York City janitor paid. It seems extraordinary, but it is not a fluke. The average tax rate of the New York City janitor is 24.9 percent of their income. Of a New York City security guard, is 23.8 percent of their income. And of the occupants of that wonderful building, 14.7 percent of their considerably larger incomes. That seems as though it must be extraordinary, but it is not a fluke.

The IRS reports that the tax rate actually paid by the highest income 400 Americans—the story is the same—the highest earning 400 Americans, in the IRS's most recent calculation, each earned an average of $34 million-plus a year, over a third of a billion each and every year, 400 of them. I truly applaud their success. It is a magnificent thing. But here is the rub. They actually paid on average only a 16.7 percent total Federal tax rate. I asked my staff to calculate the wage level where a regular single worker starts paying 16.7 percent in total Federal taxes. It is at a salary of $28,650. A representative job

at that income level in my home State, in the Providence labor market, is that of a hospital orderly which the Bureau of Labor Statistics calculates pays $29,100 a year. At that point, they are paying the same as the 400 biggest taxpayers who each earned over a third of a billion dollars, 16.7 percent. So it is not just the fortunate and successful residents of the Helmsley building who pay a lesser share of their income to support their country than does the janitor, it is also the top 400 income earners, those averaging over a third of a billion in income, who contribute a lesser share of their income than the hospital orderly pushing his cart down the halls of Rhode Island Hospital at night.

Where are we? Well, it seems to me we are upside down as far as this is concerned. I believe no less an economic titan than Warren Buffett, the fabled ''oracle of Omaha,'' agrees with me that this needs to be corrected.

The corporate Tax Code makes little more sense. Decades of lobbyists have carved it into a Swiss cheese of tax loopholes, of earmarks for the rich and powerful. The result? We have a nominal corporate tax rate of 35 percent. But here is what the New York Times reported last week. General Electric, one of the Nation's largest corporations, made profits of over $14 billion last year and paid no U.S. taxes. In fact, it actually received a $3.2 billion refund from the taxpayers. Maybe that was a 1-year anomaly. But a previous analysis by the New York Times of 5 years' worth of corporate tax returns found that Prudential Financial only paid 7.6 percent; Yahoo, 7 percent; Southwest Airlines, 6.3 percent; Boeing, 4.5 percent; and what looks to be our tax avoidance champion, on $11.3 billion of income, the Carnival Cruise Corporation paid 1.1 percent in Federal taxes. One recent paper actually calculated their cash effective tax rate at 0.7 percent on $11.3 billion in income. Carnival lines is not just taking us for a cruise, they are taking us for a ride.

But wait, there is more. Don't forget that we make the American taxpayer subsidize big oil to the tune of $3 billion a year, and big oil has made a trillion dollars in profits this decade. Indeed, on an effective tax rate basis, the petroleum-gas industry pays the lowest rate of any industry.

These are all noteworthy landmarks and each should inform us about where we are and whither we are tending as we face our budget. But the big landmark, the Mt. Everest of landmarks casting its vast shadow over the entire budget discussion, is health care.

I agree with Congressman PAUL RYAN. He said:

> If you want to be honest with the fiscal problem and the debt, it really is a health care problem.

He is dead right. And the landmark feature of this landmark problem is this. The health care cost problem is a health care system problem. Our national health care costs are exploding. The health care system is driving the costs of Medicare. The health care system is driving the costs of Medicaid.

The health care system is driving the costs of private insurance. The health care system is driving the costs of the military's TRICARE system. No one is exempt. The health care system is what is driving the cost problem in public and private programs alike. So we have to address the health care system problem if we are going to get our health care costs under control.

How do we solve this? We actually have a pretty good toolbox that has five major tools in it.

One, quality improvement. Quality improvement saves the cost of errors, misdiagnosis, disjointed care, and so forth. For example, hospital-acquired infections alone cost about $2.5 billion every year, and they are virtually entirely avoidable. They should never be events.

Two, prevention programs. Prevention programs can avoid the cost of getting sick in the first place. More than 90 percent of cervical cancer is curable if the disease is detected early through pap smears.

Three, paying doctors for better outcomes rather than for more and more tests and procedures can save money while improving the outcomes.

Four, a robust health information infrastructure has been estimated to save $81 billion a year by the RAND Corporation, and that number may very well be low as the system builds itself out.

Finally, five, the administrative costs of our health care system are grotesque. The insurance industry has developed a massive bureaucracy to delay and deny payments to doctors and hospitals. The doctors and hospitals have had to fight back, so they have had to hire their own billing departments and consultants.

In the little Cranston community health center, which I visited a few months ago, half of the staff are dedicated to trying to get paid, and they have to spend another $200,000 a year on consultants. All of that—the entire war over payment between insurers and hospitals and doctors—adds no health care value—zero. We have heard that on the private insurance side, anywhere from 15 to 30 percent of the health insurance dollar gets burned up in administrative costs. We know we can do better because the costs of administering Medicare are closer to 2 percent of program expenditures. Add this all up, and the numbers here are enormous.

The President's Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the health care we receive. That is about $700 billion a year. The New England Healthcare Institute says it is $850 billion a year. The well-regarded Lewin Group has estimated the probable savings at $1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill.

Not only are the numbers enormous, but the results are a win-win. Consider the five strategies: higher quality care with fewer errors and infections; prevented illnesses, so you do not get sick in the first place; secure, complete health records that are there when you need them, electronically, so your doctors, your lab, your pharmacy, your hospital, your specialists all know what everybody else is doing; payment to doctors and hospitals based on keeping you well and getting you well rather than on giving more procedures and things to you; and finally, not so much infuriating insurance company bureaucracy, hassling both patients and doctors. Those are not bad outcomes even without the savings.

So what do we draw from this if we keep all these landmarks in mind, landmarks of where we actually are in this budget debate? Well, our colleagues on the other side, particularly our House Republican colleagues, say they are determined to reduce our annual deficit and our national debt, that it is their top priority. But in evaluating that claim, look at H.R. 1, which spends all its cost-cutting fury on only 12 percent of the budget—the nonsecurity discretionary spending—and zero percent on the revenue side.

If they are really serious about deficit and debt reduction, why risk destroying 700,000 jobs when job destruction only adds to the deficit and to our debt through lost economic activity and revenue?

If they are really serious about deficit and debt reduction, why is not one corporate tax loophole on the chopping block—not one? Why is the Tax Code off limits in this discussion, as it burns up 6 billion of our precious hours every year and makes that hospital orderly, pushing that cart down the linoleum hallway at midnight, pay a higher rate than those fortunate and able Americans who made more than $1/3 billion each in a single year?

If they are really serious about this, if deficits and debt are really the most important thing we face, why is there no discussion of corporate America's ever-diminishing contribution as a share of our national revenue?

If our friends are really serious, why is there no plan for even one of the 18,000 corporations in that phony-baloney headquarters in the Cayman Islands to pay its proper taxes?

Finally, if they are really serious, why is there so much pure political nonsense about ObamaCare and socialized medicine instead of a mature discussion about using and improving the tools in the health care bill to address our grave national health care system problem?

Further, why is it necessary to throw Planned Parenthood and Head Start and every single idealistic young kid in City Year and Teach for America under the bus? Not one kid in an American school doing Teach for America can be spared, and yet we must keep our full deployment of 57,000 troops in Germany? Is it necessary to single out the

Environmental Protection Agency for the gutting that polluters long have lusted for? Why go after Social Security, which has never contributed a nickel to America's debt or deficit?

It just seems to me that until one, just one, corporate tax loophole is on the table; until one, just one, subsidy to big oil is on the table, one, just one, subsidy to big agribusiness; until we are even beginning to talk about billionaires contributing Federal revenue in the same share of their income as that hospital orderly; until our friends are not so casual about threatening 700,000 jobs and perhaps $20 billion in related tax revenue; until the cuts and all those riders in H.R. 1 make it something other than a Republican Trojan horse of political favors and ideology, then count me a skeptic about their real priorities.

I have always found that you get a better read looking at what people actually do rather than just believing whatever they say. If you look at what H.R. 1 actually does, it is the same old Republican agenda—attacking programs that help the poor, attacking women's right to choose, attacking national voluntary service, helping polluters get around public health measures, reducing the share of revenues paid by corporations and very high income individuals. It is the same old song. And most important, if you go that road, it is just not adequate to meet the serious problems at hand. We need to look throughout the budget and across all of our opportunities to bring down our Nation's deficits and to bring down our Nation's debt.

I look forward in the months ahead to a serious, fair, and sensible discussion, a mature discussion of how to reduce our deficits and our debt.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS.) Without objection, it is so ordered.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 6:21 p.m., recessed subject to the call of the Chair and reassembled at 6:54 p.m. when called to order by the Acting President pro tempore.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

## REMEMBERING RICK CURRY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the life and accomplishments of one of the Commonwealth's most outstanding citizens, Mr. Rick Curry, who passed away on November 17, 2010, at the age of 65. Rick made significant contributions to his hometown of Corbin, KY, as an active citizen, an entrepreneur and the coowner of one of Corbin's most popular nightspots and downtown attractions, The Depot on Main restaurant. I am honored to have called him my friend.

Originally from London, KY, Rick graduated from London High School and attended the University of Kentucky before enlisting in the U.S. Air Force. After being stationed in Japan and completing his military service, he attended Cumberland College and later became the president of Curry Oil Company in London, and Petro Haulers Inc., a fuel hauling business. Not only was Rick a successful businessman, he was also involved in property development and owned key commercial properties.

Aside from his successful business endeavors, Rick had always dreamed of owning a restaurant. In 2004, he began to make that dream a reality when he purchased and renovated an old department store building in downtown Corbin. This once blighted and vacant building soon turned into a beautiful and thriving restaurant; The Depot on Main. It was Rick's pride and joy.

This renovation was not only significant to Rick personally, but also to the Corbin community. It came at a time when economic vitality was suffering and few people dared to make investments. But Rick did. His investment encouraged business development in downtown Corbin.

Many people who had the privilege of knowing Rick remember the remarkable recovery he made after suffering a stroke in 2007. He handled that crisis, as he did everything else, with such a positive attitude and indomitable spirit. Those qualities, as well as the bonds he forged with so many in the community through his work, through the restaurant and in his life will be what Rick Curry is remembered for.

My thoughts go out to his wife Holly, the citizens of Corbin, and many other beloved friends and family members for their loss. Rick was an upstanding gentleman and an irreplaceable citizen of the Commonwealth. He will be greatly missed.

Mr. President, the Corbin News Journal recently published an article honoring Rick and the legacy he left behind. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPOT ON MAIN OWNER DIES AT AGE 65

(By Trent Knuckles)

To those who knew him best, local businessman Rick Curry was the kind of guy who lived life to the fullest—destined to enjoy every moment he was given.

Curry, owner of The Depot on Main restaurant in Corbin, died in the early morning hours last Wednesday at the University of Kentucky Medical Center in Lexington after suffering a brain aneurysm. He was 65-years-old.

''I can't say enough about Rick and what a good person he was,'' said Bruce Carpenter, Director of Economic Development for Corbin and part owner, along with his wife Teresa, of The Depot on Main with Rick and his wife Holly. ''He was a good-hearted person. He always wanted to have a good time and have fun. I feel so fortunate to have known him the last six years.''

Curry was president of Curry Oil Company, in London, and Petro Haulers Inc., a fuel hauling business. He also was involved in property development and owned key potential commercial properties in London and Corbin.

Carpenter said he first met Rick and Holly in 2004, shortly after voters in the city of Corbin approved a measure that allowed that sale of alcoholic beverages at qualifying restaurants in the city limits.

Curry always had the dream of owning a nice restaurant and saw opportunity in Corbin.

He was one of the first entrepreneurs to take advantage of the new law.

Curry purchased the old Daniel's Department Store building and began renovations on what would eventually become The Depot on Main.

At the time, Carpenter was beginning a push to create a Main Street Program in Corbin dedicated to revitalizing the city's central business district.

''When I found out what he was doing, I got very excited about it. He was taking an older building and totally renovating it and making it something beautiful. I thought it was a great opportunity to jumpstart downtown,'' Carpenter said. ''It was a tremendous amount of work. He made a big investment in our community. That is what always excited me about Rick was his investment and belief in our downtown.''

Corbin Mayor Willard McBurney said news of Curry's death was sad and that the city had lost a valuable advocate and ally.

''He sure took a void on Main Street and turned it into one of the nicest restaurants in this area,'' McBurney said. ''It was a blighted building and he made it something to be proud of. He invested a lot of money into our Main Street. He will be missed.''

Curry told the News Journal that construction of The Depot on Main cost about $800,000. Carpenter said his family and the Curry's became close over the years. In 2007, Curry suffered a serious stroke, but made a remarkable recovery.

''He always had such a positive attitude and a good support system around him. Once he was on the road to recover, I think he just fed off that. He will be greatly missed,'' Carpenter said.

According to his obituary, Curry was a London native who attended grade school at Saint William Catholic Church. He graduated from London High School and was a member of the school's football team.

While a student at the University of Kentucky be joined the U.S. Air Force and was stationed in Japan. After leaving military service had attended Cumberland College.

Funeral arrangements for Curry were handled by House-Rawlings Funeral Home.

A celebration of Curry's life was held Saturday at St. William Catholic Church in London.

## TRIBUTE TO DR. RICHARD STOLTZFUS

Mr. MCCONNELL. Mr. President, I rise today to honor the extraordinary career accomplishments of one of the Commonwealth's most talented and devoted medical professionals. Dr. Richard Stoltzfus, who has provided thousands of Kentuckians with his medical expertise as an internal medicine physician at the Daniel Boone Clinic in Harlan, KY, will retire at the end of April after 35 years of dedicated service.

Although born and raised in Pennsylvania, Dr. Stoltzfus always knew life held something different in the cards for him. After completing his medical degree at Hahnemann Medical College in Philadelphia, practicing internal medicine in Darby, PA, completing his residency training at Mercy Catholic Medical Center in Philadelphia, and volunteering at Hospital Grande Riviere du Nord in Haiti for 6 years, Dr. Stoltzfus decided to pursue his goal of providing medical care to residents in rural towns where he believed it was needed most. This belief is what led him to Harlan, KY, where he began work for the Daniel Boone Clinic in August 1976. Along with being a practicing physician, he also served as medical director of the Mountain Heritage Hospice since its beginning in 1980 to 2000, and was chief of medical staff at the Harlan Appalachian Regional Healthcare Hospital during his 35-year tenure.

Dr. Stoltzfus's long career shows his passion for helping others not only by ridding them of illness, but also by promoting overall wellness and health. His definition of health is not just the absence of disease, but the presence of physical, social, emotional and spiritual well being. Dr. Stoltzfus forms lasting bonds with his patients because they can see how much he truly cares.

Dr. Stoltzfus has said that the years he has spent in Harlan County have been the best years of his life. This may be true, but it is also safe to say that the contributions of dedicated and special people such as him are what make communities like it such wonderful and hospitable places to both work and live. I send my best wishes to Dr. Stoltzfus and his wife as they move on to the next phase of life: Dr. Stoltzfus has said they plan to move to Virginia to be closer to their children. I am sure their children will be glad to have more of their father around—just as I am sure the whole family is very proud of him and his life of accomplishment. I offer my sincerest congratulations to Dr. Stoltzfus on an exceptional career.

Mr. President, the Harlan Daily Enterprise recently published an article honoring the career of Dr. Stoltzfus. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Harlan Daily Enterprise, Feb. 26, 2011]

### DANIEL BOONE CLINIC PHYSICIAN TO RETIRE IN APRIL

(By Nola Sizemore)

After 35 years of service as an internal medicine physician at the Daniel Boone Clinic, Dr. Richard Stoltzfus will retire at the end of April.

''I'd like Harlan County people to know how much I appreciate them making the last 35 years living and working here in Harlan County the best years of my life,'' said Stoltzfus. ''I know I've been able to serve people here and, in turn, I have been blessed by people here in many ways by the show of affection and appreciation my wife and I have received.''

Stoltzfus said after he finished his residency training in Philadelphia, Pa. he wanted to practice medicine in a place where he felt there was a real medical need—not in an urban area, but a rural area. He said he learned about a job opening in Harlan County from a friend, Dr. J.D. Miller, who was a physician at the Cloverfork Clinic during that time.

''I met Dr. Miller in Haiti where I was a volunteer for six years prior to coming to Harlan,'' said Stoltzfus. ''I applied for the position and began work at the Daniel Boone Clinic in August, 1976.''

Along with being a practicing physician at the Daniel Boone Clinic, Stoltzfus has also served as medical director of Hospice since its beginning. He said in the last few years he had worked as assistant medical director.

Stoltzfus also served as chief of medical staff at the Harlan ARH Hospital during his tenure.

''Hospice is a wonderful organization, and I really believe in it,'' said Stoltzfus. ''A lot of people placed in Hospice have a certain life expectancy and most of the time they exceed that. I believe it's because of the care they receive from the wonderful staff.''

Stoltzfus said one of his guiding principals, while practicing medicine in Harlan County, had been promoting wellness. He said the definition of health is not just the absence of disease, but it's the presence of physical, social, emotional and spiritual well being.

''I can cure a person of pneumonia, but that person can still be sick,'' said Stoltzfus. ''I may refer them to pastors or counselors or help them work on relationships—to promote a wholesome life. I believe in spending time with patients. I've always seen myself on an equal playing field with my patients. As a physician, of course, I have knowledge to share, but I involved my patients in decision making.''

Stoltzfus said there were many points in the last 35 years of living in Harlan County, and two that stood out in memory were his trip to Washington D.C. with the Harlan Boys Choir when they sang at the inauguration of President George Bush. He said he was proud to be a part of those representing Harlan County to the world.

''My family was flooded in 1977,'' said Stoltzfus. ''We lived in Rio Vista and had four feet of water in our house. I remember I had a patient, who had just had a heart attack, that wanted to help me and my wife clean the mud from our home. He wasn't physically able to help, so he sent his wife to help us—that's what Harlan County people do—care about their neighbors. The whole community supported us during that time. Things like that touch your heart. The way the people of Harlan County watch out for each other has always touched me. I love the small town atmosphere evident here in Harlan County.''

Stoltzfus said after his retirement, he and his wife would be relocating to Virginia to be near their two children. He said he planned to always keep in touch with his friends here in Harlan County.

''My coworkers are like family to me,'' said Stoltzfus. ''Harlan County is a wonderful place to raise families. It has values of community and caring which I think some communities have lost. Harlan has been put down by a lot of people; but I've always been proud of Harlan because of what they have to offer here. Our children are well educated and very prepared for their future. I'm very proud of our educators here in the county and the job they're doing. Harlan has a lot to offer and I'd recommend it to everyone. I'm going to miss living and working here.''

## HONORING OUR ARMED FORCES

### LIEUTENANT MIROSLAV ''STEVE'' ZILBERMAN

Mr. BROWN of Ohio. Mr. President, today I pay tribute to the life and military service of Navy LT Miroslav ''Steve'' Zilberman, who died 1 year ago today, while serving his adopted country with distinction and representing his family with honor as a devoted son, husband, and father.

Lieutenant Zilberman immigrated to the United States from the Ukraine with his parents when he was 11 years old. The family settled in the suburbs of Columbus, OH, where he would graduate from Bexley High School and soon thereafter enlist in the U.S. Navy. The grandson of a Russian World War II pilot, Lieutenant Zilberman lived and breathed naval aviation. While serving in the Navy, Lieutenant Zilberman received a world class education, travelled across continents, and flew with the most elite fleet in the world.

After excelling as a naval electronics technician for 2 years, Lieutenant Zilberman was selected to become an officer through the Navy's Seaman to Admiral Program. His commanding officer and fellow sailors recognized the strength of Lieutenant Zilberman's character, his officer potential, and his unquestionable loyalty to the United States.

As a naval pilot, Lieutenant Zilberman was chosen to fly the E–2C Hawkeye, a crucial component of all U.S. Navy Carrier Air Wings and one of two propeller airplanes that operate from aircraft carriers. Always embracing new challenges with determination, Lieutenant Zilberman understood the requisite hard work and skill needed to become a top-notch E–2C pilot.

He studied his aircraft inside and out, and was particularly proud of the nighttime landings he successfully completed. He once landed his E–2C Hawkeye at night with only one engine functioning—a significant feat of balancing skill over nerves, displaying an implicit trust in his hours of training and studying. Commander Dave Mundy of the Carrier Airborne Early Warning Squadron 121—the VAW–121, also known as the ''Bluetails''—attests that Lieutenant Zilberman was one of the best pilots he had ever flown with.

On March 31, 2010, Lieutenant Zilberman had been forward deployed for nearly 3 months. While returning to

the U.S.S. *Eisenhower* after a flight mission over Afghanistan, Lieutenant Zilberman's plane crashed into the North Arabian Sea, approximately 5 miles from the aircraft carrier. One of the plane's dual engines lost oil and eventually failed. When it became clear to Lieutenant Zilberman that there was no way to safely land the plane on the flight deck, he ordered his crew to bail out. Lieutenant Zilberman fought valiantly to keep his plane steady long enough for his crew members to escape. He went down with his plane into the North Arabian Sea. Lieutenant Zilberman's crew members were rescued shortly after the crash, and the search and rescue effort salvaged portions of the aircraft. However, after searching more than 5,300 square miles for Lieutenant Zilberman, the search was called off and he was pronounced dead.

Each day our servicemembers, like Lieutenant Zilberman, sacrifice their lives defending our Nation. Their acts of heroism are derived from a sense of duty, an obligation taken from the belief in the greatness of our Nation. But beyond their courage and bravery, our servicemembers are also husbands and wives, sons and daughters, and friends and neighbors. In addition to being a highly capable and daring pilot, Lieutenant Zilberman was known by his family and friends as someone with an infectious personality, as Commander Mundy has said, someone who could walk into a room and reduce any tension or stress.

While on board the Ike, Lieutenant Zilberman stayed in touch with his family via video chat, where he read and danced for his children. Lieutenant Zilberman was a dedicated husband to his wife Karen, who was also his high-school sweetheart. He was a loving father to his son Daniel and daughter Sarah. And he was the loving son—and only child—of devoted parents Anna Sokolov and Boris Zilberman.

Today marks the 1-year anniversary since Lieutenant Miroslav ''Steve'' Zilberman's life was taken while serving our Nation. On behalf of a grateful State, I thank him for his service—and his family and friends for keeping his memory alive through their thoughts and actions that remind us of his sacrifice.

## JUSTICE AND POLICE REFORM IN GUATEMALA

Mr. LEAHY. Mr. President, I want to speak briefly on a subject that I have discussed before concerning Guatemala's struggling justice system.

In a country facing a growing threat from Mexican drug cartels and other criminal organizations that have infiltrated every facet of society, a police force that is notoriously corrupt and ineffective at investigating crime, a military hierarchy that continues to obstruct justice, and a conviction rate in the courts of 2 percent, the situation could hardly be grimmer.

Violent crime and smuggling have skyrocketed, impunity is the norm, and reports indicate that many people in Guatemala feel less safe today than even during the 30-year internal armed conflict. There are credible reports of police collusion with the drug cartels, and threats and assassinations of indigenous activists who have petitioned for land reform. And a decade and a half after the signing of the Peace Accords, the military hierarchy, current and former, uses threats and intimidation of victims, witnesses, judges and prosecutors to avoid accountability for past crimes against humanity.

I and others were encouraged last year when President Colom appointed respected human rights activist Helen Mack to assess the weaknesses of the police and to recommend reforms. Ms. Mack has widespread credibility and could be relied on to conduct a fair, thorough review.

But any recommendations for reform are only as good as the funding and political will to implement them, which is too often lacking in Guatemala. Presidential elections are scheduled for September. Unless the current government or its successor is prepared to carry the police reform process forward, not only will a critical opportunity have been missed but the security challenges facing Guatemala will worsen further.

Helen Mack accepted her assignment knowing it would be dangerous. Her sister Myrna, an anthropologist who had documented the horrific abuses of Mayan peasants by the Guatemalan army, was assassinated by the army in 1990. Helen also knew that trying to reform the police would ultimately be a wasted exercise if her recommendations end up collecting dust on a shelf. Yet she has persevered, and it is for the good of all Guatemalans.

Other victims of torture, disappearance, and murder during the internal armed conflict are still waiting for justice. When successive governments failed to hold the military accountable, some victims or their families turned to the courts, only to be stymied at every turn. The courts have issued contradictory rulings, reversed themselves and each other, and cases have dragged on for years. It makes a mockery of justice and of officials who are responsible for upholding the rule of law.

No democracy can survive without a functioning justice system, including a professional, trusted, well financed police force. The effectiveness of the police in preventing and controlling crime depends on the relationship between the police and the public. If the police force is to regain the confidence and trust of Guatemalans, particularly Guatemala's indigenous population which has traditionally been the target of discrimination and abuse, a concerted and unwavering effort must be made to ensure the professionalism, transparency and accountability of the police. It should be a priority.

Ms. Mack's courageous efforts, and the efforts of others who have risked their lives in support of justice and a better life for the millions of Guatemalans living in poverty, deserve the unequivocal support of the Guatemalan Government and the Government of the United States.

## TIK ROOT

Mr. LEAHY. Mr. President, I want to take a moment to say a few words about a situation in Syria that is of particular concern to me and people of my State.

Going on 2 weeks ago, a young Middlebury College student, Pathik ''Tik'' Root, disappeared in Damascus, Syria, where he was studying Arabic.

As anyone who is following recent events in Syria knows, there have been large public demonstrations, some of which have resulted in arrests and casualties.

Thanks to the efforts of U.S. Embassy Damascus and the Syrian Ambassador to the United States, Imad Moustapha, it was determined that Tik had been arrested and is being held in a Syrian jail.

By all accounts, it appears that Tik was arrested simply because he was taking photographs at one of the demonstrations.

As an avid photographer myself, I would hope that the Syrian Government recognizes the innocent conduct of a young, curious American student who is fascinated, as we all are, by the extraordinary events taking place across North Africa and the Middle East.

I and my staff have had multiple conversations with Tik's father, with Ambassador Moustapha, with U.S. Ambassador Robert Ford, and other State Department officials about Tik's situation.

We are optimistic that he will be released, because he was doing nothing wrong and at most he was in the wrong place at the wrong time.

But so far, no one from the American consulate in Damascus has been allowed to see Tik, which is unacceptable. Our representatives in Damascus should be given immediate access to him—today—to ensure that he is in good health and being treated humanely.

I know I speak not only for myself but also for Senator BERNIE SANDERS and Congressman PETER WELCH, in urging the Syrian authorities to release Tik and allow him to return home.

This is not a time to be confusing a young American college student with the popular forces that are calling for political change in Syria.

Tik is an innocent 21-year-old who poses no threat whatsoever to the Syrian Government, but his continued detention will only further complicate our already difficult relations with Syria.

## REMEMBERING ELIZABETH TAYLOR

Mrs. FEINSTEIN. Mr. President, I would like to recognize and honor the

incredible life of Elizabeth Taylor, a true Hollywood movie star, a dedicated social activist, and a legendary figure in American history.

Elizabeth Taylor was born on February 27, 1932, in Hampstead, London, England, to Americans Francis Lenn Taylor and Sara Viola Warmbrodt. In a career that spanned 70 years, Elizabeth Taylor remarkably appeared in over 50 films. However, it was her philanthropy and dedication to her fellow humankind that have earned my deepest gratitude.

Many will remember Elizabeth Taylor for her film career, with overwhelming hits such as ''National Velvet,'' which catapulted her to stardom and solidified her as Hollywood's newest star. I personally recall this film as one of my childhood treasures, and it remains a classic to this day. Ms. Taylor was a pioneer for women, in film and in society. When she signed a $1 million contract for the film ''Cleopatra,'' it boldly declared her status to Hollywood and the world. She also expanded her body of work to include Broadway, where she debuted in the revival of Lillian Hellman's 1939 play ''The Little Foxes'' and returned in the revival of Nöel Coward's 1930 comedy ''Private Lives.''

Though Elizabeth Taylor earned her household name through her accomplishments in the film industry, it was her charitable work to combat AIDS that was truly outstanding. Never one to shy away from opposition or controversy, Ms. Taylor wholeheartedly fundraised, supported, and raised awareness for AIDS. Her ability to mobilize a new audience was remarkable. In addition to fundraising and contributing millions of dollars to addressing AIDS, Ms. Taylor was a principal founder in the American Foundation for AIDS Research, amfAR, and the Elizabeth Taylor AIDS Foundation.

Elizabeth Taylor received many accolades throughout her career, including her appointment as a Dame Commander of the Order of the British Empire for her illustrious film career and humanitarian work. Ms. Taylor received two Academy Awards for best actress for her performances in ''Butterfield 8'' and ''Who's Afraid of Virginia Woolf.'' Later, she was inducted into the California Hall of Fame at the California Museum for History, Women, and the Arts, by former Governor Arnold Schwarzenegger. While these honors are notable, it was Ms. Taylor's intangible qualities of perseverance, altruism, and grace that were even more remarkable.

Beyond her film career and role as an activist, Elizabeth Taylor was an individual with an entrepreneurial spirit. She authored a self-help book, designed jewelry for The Elizabeth Collection by Piranesi, and created the popular perfumes ''Passion,'' ''White Diamonds,'' and ''Black Pearls.'' As a reflection of herself, Ms. Taylor's ventures always evoked a sense of class, eternal elegance, and beauty.

Please join me in expressing the sympathies of this body to Elizabeth Taylor's family, including her children, Michael Howard and Christopher Edward Wilding, Elizabeth ''Liza'' Todd, and Maria Burton, 10 grandchildren, and 4 great-grandchildren. I have no doubt she will be so dearly missed by the many friends, family, and countless individuals whose lives she touched. On this day, we celebrate her, her life, her legacy, and her extraordinary contributions to our Nation and the world as a whole.

Elizabeth Taylor will be remembered as a dazzling actress, a friend, a noble philanthropist, and as Hollywood's ultimate leading lady.

## REMEMBERING W.R. ''WILLIE'' JONES

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. W.R. ''Willie'' Jones, who passed away on Friday, March 25, 2011. Willie was dedicated to providing hope for a better life for underprivileged children in Montgomery, AL, and he was a personal friend. Along with the children and families whose lives Willie helped to change, I mourn his passing.

Willie Jones was born on April 3, 1955, and was an alumnus of Alabama State University. He began his life of dedication to the YMCA by participating in the organization's programs as a youth. Starting in 1968, he worked part time as an aquatic instructor at the Cleveland Avenue YMCA in Montgomery, where he would later become the executive director. His involvement didn't stop there; Willie also served as a senior vice president of the Montgomery YMCA. He held famous father/son banquets that attracted top sports talent to the Cleveland Avenue YMCA and provided inspiration for young boys and their fathers.

I have always recognized the Cleveland Avenue YMCA as an important place for the advancement of underprivileged youth. The facility opened in 1960 in conjunction with Martin Luther King's efforts to obtain equal opportunities for all people, including children. Willie and I worked together to fund and open the Cleveland Avenue Cultural Arts and Education Center, CAEC, in 2000. The CAEC is the largest YMCA facility in the country that is entirely dedicated to the arts. It is a true testament to Willie's commitment to helping America's youth through creative and educational initiatives.

In addition to his work for the YMCA, Willie served as the chairman of the Montgomery County Community Punishment and Corrections Authority and advocated for prison alternatives for nonviolent offenders, another passion of his. He also served on the Montgomery Housing Authority board of directors and the Montgomery County Recreation Commission.

Willie's advocacy extended beyond the boardroom and into city and county meetings, which he regularly attended. He was often spotted around the community networking with nearly everyone he met. Willie was a great friend to me and to all people, young and old. His selfless life's mantra was, ''This isn't about Willie Jones, it's about the kids at the YMCA.'' I am honored to have assisted with obtaining Federal funding for the Cleveland Avenue YMCA and to have known this man who was so committed to his community and to the greater world around him.

Willie is loved and will be missed by his wife Versie and two children, Jeff and Jennifer. My thoughts and prayers are with them as they struggle with Willie's premature and unexpected death. A tireless advocate for underprivileged children and nonviolent offenders, Willie championed the notion of a ''second chance'' for kids throughout the community and will be fondly remembered for the legacy of service he left behind him.

## TRIBUTE TO ALEX HECHT

Ms. SNOWE. Mr. President, today I wish to honor one of my Small Business Committee staff members and trusted advisers, Alex Hecht, as he prepares to depart Capitol Hill for the private sector. Alex joined my office in March 2005—6 years ago—as regulatory counsel for the committee, after serving as a legislative analyst for the National Multi Housing Council. Since then, Alex has taken on a host of issues vital to our Nation's small businesses and has been at the forefront of helping me craft critical legislation to assist these job generators.

As regulatory counsel, Alex helped me develop an agenda to help small businesses fight the onerous regulations they face. And he has continued his work to this day. As has been noted frequently, our current Federal regulatory situation is outrageous. Small firms—our Nation's primary job creators—with fewer than 20 employees bear a disproportionate burden of complying with Federal regulations, paying an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

To reduce the burdensome task of complying with excessive Federal regulations, Alex helped me draft an amendment to the Dodd-Frank Wall Street reform bill that created small business advocacy review panels within the Consumer Financial Protection Bureau, or CFPB, through the Regulatory Flexibility Act so that the CFPB fully considers small business economic effects when it promulgates new regulations. Alex also helped me move the Small Business Compliance Assistance Enhancement Act over the finish line in 2007 to ensure that agencies publish small business compliance guides for regulations in plain English and in a timely manner.

Alex was also instrumental in helping me introduce the Small Business

Regulatory Freedom Act of 2011 with Senator COBURN to help ensure that the Federal Government fully considers the small business economic impact of the rules and regulations that agencies promulgate.

Since January 2007, Alex has served as my chief counsel on the committee, overseeing much of its policy work and specializing in a number of issue areas, including health care and small business energy policy, in addition to regulatory reform. Alex was crucial in helping me develop the Small Business Health Options Program Act—or SHOP Act—in both the 110th and 111th Congresses. This bipartisan legislation would have made health insurance more affordable and accessible for small businesses and the self-employed, who represent a majority of our Nation's uninsured.

Alex also helped me craft the Small Business Energy Efficiency Act of 2007, which was signed into law as part of the Energy Independence and Security Act of 2007. This legislation is helping to combat climate change by using Small Business Administration, SBA, resources to assist in the development of energy efficiency projects.

Additionally, Alex has been inextricably linked with our committee's efforts to reauthorize the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs. These critical initiatives foster an environment of innovative entrepreneurship by directing more than $2 billion annually in Federal research and development, R&D, funding to the Nation's small firms most likely to create jobs and commercialize their products. We are presently debating such legislation on the floor—legislation which represents an unprecedented compromise supported by stakeholders from all sides—and we are closer than we have been in 5 years to getting a bill to the President's desk. This is largely in part to Alex's consistent and dedicated efforts.

As Alex prepares to leave the Senate, I offer him my sincerest gratitude for 6 dedicated years of service to my office and to America's small businesses. In particular, I want to thank him for serving as acting staff director of the committee in late 2006. Over his years on the Hill, Alex has developed a thorough knowledge and passion for Senate procedure and has been key in helping me formulate our committee rules each Congress. His absence will be regrettably notable. I wish him, his wife Amy, and his children, Chance and Marin, all the best as they begin this exciting new chapter.

## TRIBUTE TO DANIEL P. MULHOLLAN

Mr. LIEBERMAN. Today I wish to note the retirement of Daniel P. Mulhollan as Director of the Congressional Research Service and to thank him for his service to Congress over the past 42 years. CRS, an institution with roots going back to 1914, provides essential support for Congress. Dan Mulhollan has been a part of CRS since September 1969; and he has led CRS since January 24, 1994, when Librarian of Congress James Billington named him CRS Director.

As Director, Mulhollan's accomplishments have been impressive. He worked to ensure that the analytical services of CRS are explicitly and clearly pertinent to the legislative, oversight, and representational responsibilities of Congress and to the current congressional agenda. He expanded the ability of CRS to bring interdisciplinary scholarship to bear on matters important to Congress. His efforts to develop and implement a personnel succession plan ensure that professional talent will continue to be available to Congress in the years to come.

Following graduate work in political science at Georgetown University, Mulhollan came to what was then known as the Legislative Reference Service. His first division chief recognized the restless energy of this new analyst in American national government and put him to work on inquiries about the institutional dimensions of Congress. In 1973 Mulhollan was named section head and subsequently served as head of three sections in the CRS Government Division. He and the teams he led worked with committees and Members of Congress on such matters as lobbying disclosure, the Watergate investigation, and subsequent impeachment investigation, congressional reorganization, and congressional ethics. In 1981 Mulhollan became assistant chief of the CRS Government Division, and in that position he managed research for Congress on a wide range of issues, among which were the organization and administration of the executive and legislative branches, legislative process, voting and elections, lobbying, and political parties and processes.

In 1991 Mulhollan received the Library's Distinguished Service Award for his career achievements, and in 1992 James Billington, the Librarian of Congress, appointed Mulhollan as Acting Deputy Librarian of Congress for a period of 2 years and commissioned him to head the Library's effort to enhance its service to Congress. Subsequently, Mulhollan was named chief of the CRS Government Division; and then in 1994, Dr. Billington named Mulhollan to be Director of the Congressional Research Service. In making the appointment, Dr. Billington said, ''Daniel Mulhollan brings to this position comprehensive knowledge of Congress, an understanding of its research needs, a strong commitment to diversity, and a record of effective and energetic administration.'' The Librarian chose well: under Mulhollan's energetic leadership over the past 17 years, CRS has consolidated its analytic abilities and has continually demonstrated its worth to the United States Congress.

I am confident that my Senate colleagues join me in wishing Daniel Mulhollan well in his retirement, commending his leadership of CRS, and thanking him for a job well done.

## TRIBUTE TO EARL HOLDING

Mr. RISCH. Mr. President, today I want to give recognition to an individual who has done great things for the ski industry and the State of Idaho. On April 2, Earl Holding will be inducted into the U.S. Ski and Snowboard Hall of Fame. His induction is not because of his exploits on the slopes, although he knows how to carve a turn in the snow, but because of his passion and unmatched effort in developing quality skiing facilities in Idaho, the Western United States, and for his work in bringing the 2002 Winter Olympics to Salt Lake City.

Earl Holding purchased Idaho's ski resort of Sun Valley in 1977. His attention to detail and the experience he brought to the property from owning and managing properties in the hospitality industry, truck stops and oil industry was just what the resort needed. He began a beautification project that restored the grandeur of the property by renovating virtually every square foot of the historic buildings, adding moonlight sleigh rides and world-class ice shows, and planting thousands of new trees.

On the ski runs, he put in the world's largest snowmaking system. Five new high-speed detachable quad lifts were built along with new day lodges and restaurants. With interests in architecture and design, Earl Holding showed his talent for uniting culture and charm as well as inspiring excitement to his resorts and hotels. As such, he personally oversaw the design of the new lodges to maximize their breathtaking mountain views.

Sun Valley was once again a preeminent resort that brought skiers and tourists from around the world. In 2009, the Sun Valley Nordic Center hosted the International Special Olympics. It was also the training site for numerous international teams as they prepared for the 2002 Winter Olympic Games in Salt Lake City.

Earl Holding, along with his wife Carol, has restored the charm and grandeur that was Sun Valley shortly after its founding by Averell Harriman in 1936. Skiers, winter sports enthusiasts and the entire ski industry have benefitted from the Holding family's passion for developing a first-class and highly acclaimed ski resort at Sun Valley and elsewhere.

His work has also made the State of Idaho a destination location for skiers, golfers and other outdoor enthusiasts as he developed Sun Valley into a five-star, year-round resort. The enormous draw the name ''Sun Valley'' has in the highly competitive international tourism trade is beyond anything the state could do to attract more tourists.

It is indeed a great honor for me to congratulate Earl Holding for his vision, passion and perseverance in making Sun Valley a world-class resort,

and for his induction into the U.S. Ski and Snowboard Hall of Fame.

## ADDITIONAL STATEMENTS

### TRIBUTE TO IRVING AND PHYLLIS LEVITT

● Mr. COONS. Mr. President, today I wish to honor Irving and Phyllis Levitt and their lives of service to my home State of Delaware and their community in Dover.

For over 40 years, both Irving and Phyllis have been consummate activists, educators, community leaders, and patrons of the arts. Their contribution to Dover and to the First State can be measured in the thousands of lives they have enriched. Since arriving in Delaware in 1966, Irving and Phyllis have tirelessly demonstrated their concern for others and their commitment to the causes they hold dear.

For decades, Irving Levitt worked passionately in public service, filling a number of important roles at the Social Security Administration in Dover and Wilmington. Later, he served on the Dover Utility Commission and was elected a city councilman. For 15 years, Irving served as the Governor's appointee to the State's Accident Referral Board, and he was also a member of the State Board of Nursing.

Phyllis brought the joy of English language and literature to hundreds of students during her 25 years as a teacher at Dover High School. In addition to her teaching and her devotion to the Dover High students, Phyllis served on numerous State education commissions and led the Delaware chapter of the National Organization of Teachers of English. She also spent several years teaching English at Wesley College and an English teacher training course at the University of Delaware. Following her retirement in 1992, Phyllis chaired the State Humanities Council, served on the Governor's Committee on the Arts, and transformed the Dover Art League from a small volunteer group into a major nonprofit that enriches lives throughout Kent County. Moreover, Phyllis chaired the Delaware chapter of the American Civil Liberties Union and, during her retirement, continued to advocate for causes of justice on the street corners of our State capital. Irv and Phyllis together regularly participated in marches, protests, and campaigns to improve conditions for the poor, for migrant workers, and for all who suffered injustice. They became fierce advocates for human rights.

As members of Congregation Beth Sholom, both served in leadership roles, with Phyllis presiding over the Sisterhood and Irving leading the Brotherhood and later presiding over the synagogue. Their involvement included roles with Hadassah, Israel Bonds, and the Jewish Community Relations Council in Dover. Jewish life continues to flourish in our State in part because of their devotion to the Delaware Jewish community and their involvement with interfaith and multicultural outreach programs.

Together, Irving and Phyllis Levitt exemplify that ancient commandment found in Deuteronomy: ''Justice, justice you shall pursue.'' I am proud to be their friend, and I join in congratulating them on the occasion of a dinner in their honor on April 3. May they continue to serve as a beacon of justice in our community and an example for young people throughout our State.●

### REMEMBERING ALFRED SCHWAN

● Ms. KLOBUCHAR. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built The Schwan Food Company to what it is today—a successful, frozen-food company with thousands of employees and millions of customers

Alfred was known as an adventurous and outgoing person who had a quick smile, relentless energy and a can-do attitude.

Alfred started in the frozen food business early. Born in 1925 to Paul and Alma Schwan, as a young man he helped his father at the Marshall Ice Cream Company make popsicles and ice cream bars.

But Alfred did not go straight into the family business. He left to fulfill a dream and serve his country as a pilot and joined the U.S. Naval Aviation Corps. Alfred flew torpedo bombers and taught anti-submarine warfare.

He met his wife Doris during a blind date at a USO Club. They married in 1946, the same year Alfred was awarded Navy Wings of Gold. A year later they had their first of five sons.

Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember fondly seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades while also overseeing plants in Kentucky and Texas and in my home State of Minnesota.

He used his flying skills to crisscross the Nation on behalf of Schwan—becoming the company's first aviation department.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and ever optimistic leader received includes being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year and induction into the Frozen Food Hall of Fame as well as receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

It is appropriate to honor Alfred's passing as March is National Frozen Food Month. He gave his energy passionately to this important industry.

With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans in the manufacturing sector alone, generating a payroll of approximately $3 billion.

My home State of Minnesota is home to Schwan's headquarters and over 7,500 jobs in frozen food. Alfred was such an important leader and citizen of Minnesota when he retired Marshall, Minnesota declared January 29, ''Alfred Schwan Day.''

During Frozen Food Month, it is important to take a moment to remember all-American entrepreneurs and inventors like Alfred Schwan and Clarence Birdseye—an American inventor—who ushered in a food revolution in 1930 when his line of frozen foods first hit grocery stores. Few other food choices provide consumers with the benefits and flexibility offered by frozen foods.

I imagine Alfred and Clarence had a lot in common.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms and school cafeterias. They provide an important source of healthy, affordable and convenient food choices that will continue to help feed our Nation and the world.

It is appropriate that we take a moment to recognize the passing of a great innovator and pioneer this Frozen Food Month.●

### REMEMBERING BRIGADIER GENERAL HENRY A. SMITH, JR.

● Mr. THUNE. Mr. President, today I wish to recognize the recently deceased Brigadier General (Ret.) Henry A. Smith, Jr., a WWII veteran, for all of his service during and after WWII to South Dakota and the United States.

General Smith served both in the European Theater and in the Far East Command. He was promoted to lieutenant colonel and was honored with the Bronze Star with one Oak Leaf Cluster. After the war, General Smith continued to serve his country in the South Dakota National Guard. He served as executive officer of the 196th Regimental Combat Team and was ordered to active duty in 1950, spending time in both Colorado and Alaska. When his unit returned, General Smith became commander of the 196th Regimental Combat Team, SDNG. He was appointed assistant adjutant general, SDNG in 1964. General Smith was transferred to the Retired Reserves in 1970, and continued serving his country in that capacity for the remainder of his life.

I would like to express my sincere appreciation of General Smith's service to both South Dakota and the United States and to extend my condolences to his family.●

## 150TH ANNIVERSARY OF AUGUSTANA COLLEGE

● Mr. THUNE. Mr. President, today I recognize Augustana College of Sioux Falls, SD. Founded in 1861, Augustana celebrates its 150th anniversary this year.

Augustana College is located in Minnehaha County and upholds Christian values that inspire excellence in students and service in the community. This institution is a profound example of quality higher education in South Dakota. After moving to several different locations, Augustana found permanent residence in Sioux Falls, SD, in 1918. Augustana College has much to be proud of, and I am confident that Augustana's success will continue well into the future.

Success is fostered from Augustana's core values of Christianity, integrity, community, and service. These values are intertwined into a liberal arts education and prepare students for the challenges and triumphs they will face after graduation.

Augustana will commemorate the sesquicentennial of its founding with celebrations on April 16, featuring historic galleries, speakers, and entertainment. I would like to offer my congratulations to the students, parents, faculty, and alumni of this institution on this milestone anniversary and wish them continued prosperity in the years to come.●

## REMEMBERING ALFRED SCHWAN

● Mr. MORAN. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built The Schwan Food Company to what it is today a multibillion-dollar, frozen-food company with thousands of employees and millions of customers.

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Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades. Under his leadership the plant grew from having little more than a dozen employees to employing 1,500 Kansans with the capacity to produce more than 3 million pizzas a day. Alfred listed the growth of the Salina plant as one of his proudest achievements in business.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and optimistic leader received include being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year, induction into the Frozen Food Hall of Fame, and receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

Alfred was such an important community leader and citizen of Kansas that, when he retired, Salina, KS, declared February 6 as ''Alfred Schwan Day.''

As March is National Frozen Food Month, it is appropriate to honor Alfred's life and the energy and passion he gave to this important industry. He was an innovator and pioneer in the frozen food industry. With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans and generates a payroll of approximately $3 billion.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms, and school cafeterias. These foods provide an important source of healthy, affordable, and convenient food choices that help feed our Nation and the world.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1084. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2010; to the Committee on Armed Services.

EC–1085. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection'' (RIN2590–AA15) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1086. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Demand Response Compensation in Organized Wholesale Energy Markets'' ((RIN1902–AE02) (Docket No. RM10–17)) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Energy and Natural Resources.

EC–1087. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to the Zero-Net Energy Commercial Building Initiative and other government initiatives that affect commercial buildings; to the Committee on Energy and Natural Resources.

EC–1088. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''General Regulations Governing U.S. Securities. . . .'' (31 CFR Parts 306, 356, 357, and 363) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Finance.

EC–1089. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the

''Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy''; to the Committee on Finance.

EC–1090. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2010''; to the Committee on Finance.

EC–1091. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Inspector General, received in the Office of the President of the Senate on March 29, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1092. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''No FEAR Act: Fiscal Year 2010 Annual Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1093. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements; to the Committee on Indian Affairs.

EC–1094. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the disclosure form used by Presidential campaigns to report campaign finance activity; to the Committee on Rules and Administration.

EC–1095. A communication from the Director of the Regulations Management Office of the General Counsel, Board of Veterans Appeals (01), Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Remand or Referral for Further Action; Notification of Evidence Secured by the Board and Opportunity for Response'' (RIN2900–AN34) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Veterans' Affairs.

EC–1096. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Lavatory Oxygen Systems'' ((RIN2120–AJ92) (Docket No. FAA–2011–0186)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1097. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal and Amendment of Class E Airspace, Oxford, CT'' ((RIN2120–AA66) (Docket No. FAA–2010–0815)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1098. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders'' ((RIN2120–AJ81) (Docket No. FAA–2010–0812; Amdt. No. I–66)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1099. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to and Revocation of Reporting Points; Hawaii'' ((RIN2120–AA66) (Docket No. FAA–2011–0018)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1100. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–45 and CF6–50 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2006–24145)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1101. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amdt. 3414'' (RIN2120–AA65) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1102. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airways V–82, V–175, V–191, and V–430 in the Vicinity of Bemidji, MN'' ((RIN2120–AA66) (Docket No. FAA–2010–0241)) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1103. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135–AA29) received in the Office of the President of the Senate on March 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–1104. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Commerce Debt Collection'' (RIN0605–AA24) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1105. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indaziflam; Pesticide Tolerances'' (FRL No. 8864–3) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1106. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mancozeb; Pesticide Tolerances'' (FRL No. 8864–1) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1107. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium Ferric Ethylenediaminetetraacetate; Exemption from the Requirement of a Tolerance'' (FRL No. 8867–7) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1108. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 10–01; to the Committee on Appropriations.

EC–1109. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Rome; Determination of Attaining Data for the 1997 Annual Fine Particulate'' (FRL No. 9288–8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1110. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Nevada; Determination of Attainment for the Clark County 8-Hour Ozone Nonattainment Area'' (FRL No. 9286–8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1111. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of California; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards from Dry Cleaning Facilities'' (FRL No. 9283–6) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1112. A communication from the Chief, Branch of Aquatic Invasive Species, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Listing the Bighead Carp (Hypophthalmichthys nobilis) as Injurious Fish'' (RIN1018–AT49) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC–1113. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—April 2011'' (Rev. Rul. 2011–10) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC–1114. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Carbon Dioxide Sequestration; Modification of Notice 2009–83'' (Rev. Rul. 2011–25) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC–1115. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office First Quarter Fiscal Year 2011 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1116. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies'' ((WT Docket No. 10–62) (FCC 11–22)) received during adjournment of the

Senate in the Office of the President of the Senate on March 25; to the Committee on Commerce, Science, and Transportation.

EC–1117. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Supplemental Regulatory Flexibility Determination'' ((RIN2120–AH14) (Docket No. FAA–2002–11301)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1118. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Prohibited Area P–56; District of Columbia'' ((RIN2120–AA66) (Docket No. FAA–2010–0077)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1119. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airway V–358; TX'' ((RIN2120–AA66) (Docket No. FAA–2011–0024)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1120. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment Of VOR Federal Airways V–1, V–7, V–11, and V–20; Kona, Hawaii'' ((RIN2120–AA66) (Docket No. FAA–2011–0009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1121. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Western United States'' ((RIN2120–AA66) (Docket No. FAA–2010–1180)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1122. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Western United States'' ((RIN2120–AA66) (Docket No. FAA–2010–1179)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1123. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Special Use Airspace Restricted Areas R–2203, and R–2205; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–005)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1124. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Moratorium on New Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft'' ((RIN2120–AA66) (14 CFR Parts 91 and 119)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1125. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Tripoli (HLLL) Flight Information Region (FIR)'' ((RIN2120–AJ93) (Docket No. FAA–2011–0246)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1126. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Reciprocal Waivers of Claims for Multiple-Customer Commercial Space Launch and Reentry'' ((RIN2120–AJ85) (Docket No. FAA–2010–1150)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1127. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amdt No. 3415'' ((RIN2120–AA65) (Docket No. 30771)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1128. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (90); Amdt. No. 3416'' ((RIN2120–AA65) (Docket No. 30772)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1129. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (97); Amdt. No. 3417'' ((RIN2120–AA65) (Docket No. 30773)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1130. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Colebrook, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1008)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1131. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wolfeboro, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1007)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1132. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lancaster, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1133. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Newport, VT'' ((RIN2120–AA66) (Docket No. FAA–2010–0938)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1134. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; La Porte, IN'' ((RIN2120–AA66) (Docket No. FAA–2010–1030)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1135. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Charleston, WV'' ((RIN2120–AA66) (Docket No. FAA–2010–1010)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1136. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Henderson, KY'' ((RIN2120–AA66) (Docket No. FAA–2010–0937)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1137. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Bryce Canyon, UT'' ((RIN2120–AA66) (Docket No. FAA–2010–0961)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration:

Special Report entitled ''Report of the Committee on Rules and Administration, United States Senate, during the 111th Congress'' (Rept. No. 112–8).

By Mr. SCHUMER, from the Committee on Rules and Administration:

Report to accompany S. Res. 81, An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013 (Rept. No. 112–9).

By Mr. KERRY, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations, United States Senate, One Hundred Eleventh Congress'' (Rept. No. 112–10).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled ''Report on the Activities of the Committee on Finance of the United States Senate During the 111th Congress'' (Rept. No. 112–11).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 216. A bill to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 222. A bill to limit investor and homeowner losses in foreclosures, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey.

Roy Bale Dalton, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself and Mr. HATCH):

S. 693. A bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of South Dakota (for himself and Mr. UDALL of New Mexico):

S. 694. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER:

S. 696. A bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY (for himself, Mrs. BOXER, and Ms. LANDRIEU):

S. 697. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Finance.

By Mr. WARNER:

S. 698. A bill to amend title 38, United States Code, to codify the prohibition against the reservation of gravesites at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. MORAN, Ms. STABENOW, and Mr. ROBERTS):

S. 700. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. COCHRAN):

S. 701. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 702. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ENZI, Mr. CARDIN, Ms. LANDRIEU, Mr. LUGAR, Mr. MENENDEZ, and Mr. ROBERTS):

S. 705. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. WICKER, Mr. HOEVEN, and Mr. RUBIO):

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; read the first time.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN of Ohio (for himself, Ms. STABENOW, and Mr. CASEY):

S. 708. A bill to renew and extend the provisions relating to identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 709. A bill to enhance the security of chemical facilities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 711. A bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to reduce or eliminate the risk of releases of hazardous chemicals from public water systems and wastewater treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, and Mr. VITTER):

S. 712. A bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 713. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEE, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. TOOMEY, Ms. SNOWE, Mr. RISCH, Mr. RUBIO, Mr. DEMINT, Mr. PAUL, Mr. VITTER, Mr. ENZI, Mr. KIRK, Mr. THUNE, Mr. ALEXANDER, Mr. INHOFE, Mr. CRAPO, Mr. BURR, Mr. BARRASSO, Mr. COBURN, Mr. MORAN, Mr. LUGAR, Mrs. HUTCHISON, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. GRASSLEY, Mr. SHELBY, Mr. SESSIONS, Mr. MCCAIN, Mr. BOOZMAN, Mr. ROBERTS, Ms. COLLINS, Mr. HOEVEN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. ENSIGN, Mr. JOHANNS, Ms. MURKOWSKI, Mr. PORTMAN, and Mr. WICKER):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN,

Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL):

S. Res. 119. A resolution recognizing past, present, and future public health and economic benefits of cleaner air due to the successful implementation of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 120. A resolution recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington; considered and agreed to.

By Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER):

S. Res. 121. A resolution designating April 2011 as ''Financial Literacy Month''; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 122. A resolution honoring the life and legacy of Elizabeth Taylor; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 123. A resolution commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA):

S. Res. 124. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH):

S. Res. 125. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico):

S. Res. 126. A resolution supporting the mission of UNESCO's World Heritage Convention and celebrating the 2011 International Day for Monuments and Sites; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 311

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 393

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 410

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 410, a bill to provide for media coverage of Federal court proceedings.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 474

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 494

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 494, a bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 527

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 527, a bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 604

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 676

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 680

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 211

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 211 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I come to the floor today to introduce legislation with Senator ALEXANDER of Tennessee that I believe will have a dramatic impact on the safety of our Nation's highways and interstates, called the Commercial Driver Compliance Improvement Act. This bill will require the Department of Transportation's Federal Motor Carrier Safety Administration FMCSA, to implement regulations requiring the use of electronic on-board recording devices, EOBRs, for motor carriers in order to improve compliance with Hours-of-Service, HOS, regulations. Requiring the use of these technologies in motor carriers will not only improve compliance with HOS regulations, but it will also reduce the number of fatigued commercial motor vehicle drivers on the road. This will have a profound impact on highway safety and reduce accidents and fatalities on our highways and interstates.

Hours-of-Service regulations place limits on when and how long commercial motor vehicle drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to drive safely. In developing HOS rules, the FMCSA reviewed existing fatigue research and worked with nongovernmental organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety. HOS regulations are designed to continue the downward trend in truck driving fatalities and maintain motor carrier operational efficiencies.

Unfortunately, compliance with HOS regulations is often spotty due to inaccurate reporting by drivers as they are only required to fill out a paper log, a tracking method that dates back to the 1930s. Inaccurate reporting may result from an honest mistake or an intentional error by a driver seeking to extend his work day. These inaccuracies can lead to too much time on the road, leaving the driver fatigued and placing other drivers at risk. After listening to the many interest groups and experts on this issue in meetings and Commerce, Science and Transportation Committee hearings, I have come to learn that there is an available and affordable twenty-first-century technology that can ensure accurate logs, enhance compliance, and reduce the number of fatigued drivers on the road. They are being used today, and they are producing results. I believe that widespread utilization of these devices as soon as possible will significantly reduce further loss of life resulting from driver fatigue.

Our legislation will require motor carriers to install in their trucks an electronic device that performs multiple tasks to ensure compliance with HOS regulations. These devices must be engaged to the truck engine control module and capable of identifying the driver operating the truck, recording a driver's duty status, and monitoring the location and movement of the vehicle. Requiring electronic log books that are integrally connected to the vehicle engine as this bill requires will dramatically increase the accuracy of information submitted for hours of service compliance. Our bill will also require these recording devices to be tamper resistant and fully accessible by law enforcement personnel and Federal safety regulators only for purposes of enforcement and compliance reviews.

While I understand that some drivers may be reluctant to transition to electronic logging devices, I strongly believe that the safety benefits of the use of these devices far outweigh the costs. I don't want to see more lives lost due to driver fatigue resulting from log book manipulation. I also believe that with the rapid development of electronic technology, especially in the wireless telecommunications area, we will see strong competition among EOBR manufacturers and reduced costs for these technologies. In addition, the price of these products should go down as the demand increases through regulatory requirement to utilize this equipment.

Senator ALEXANDER and I are not alone in calling for this technology to be more widely used by commercial vehicles. There are a number of Senators, including Senator LAUTENBERG, who have long been strong proponents of implementing the use of this technology. In addition, multiple Federal agencies and nongovernmental organizations have recognized the benefits of this technology and called for its widespread use.

For example, Mr. Francis France of the Commercial Vehicle Safety Alliance stated at the April 28, 2010, Senate Committee on Commerce, Science, and Transportation hearing on Oversight of Motor Carrier Safety Efforts that,

> All motor vehicles should be equipped with EOBRs to better comply with Hours of Service laws . . . CVSA has been working with a broad partnership to help provide guidance to achieve uniform performance standards for EOBRs.

Similarly, the Chairman of the National Transportation Safety Board, the Honorable Deborah Hersman, stated at the same hearing that,

> For the past 30 years, the NTSB has advocated the use of onboard data recorders to increase Hours of Service compliance . . . the NTSB recommended that they be required on all commercial vehicles.

During the same hearing, Ms. Jacqueline S. Gillan, with the Advocates for Highway and Auto Safety, stated that,

> We regard the mandatory, universal installation and use of EOBRs as crucial to stopping the epidemic of hours of service violations that produce fatigued, sleep-deprived commercial drivers . . . at very high risk of serious injury and fatal crashes.

I have also heard from Administrator Ferro of the FMCSA on her thoughts of how EOBRs would enhance compliance and improve highway safety. The FMCSA recently implemented a rule to require that these devices be mandated for truck drivers and trucking companies that have been found to be noncompliant with FMCSA rules. These rules will be effective in June 2012. It is my understanding that the FMCSA is looking to expand these requirements to include more motor carriers, and I support those efforts as they reflect the qualities and intent of this legislation.

Finally, in addition to the support from safety advocates and federal transportation safety officials, I have also heard from a number of Arkansas trucking companies currently utilizing this technology. These companies have

experienced reductions in driver fatigue, increases in compliance, and reductions in insurance premiums. The executives of these companies, which include J.B. Hunt and Maverick U.S.A. among others, support the expanded use of these devices to increase compliance, improve highway safety, and level the playing field among the industry. I agree with their views on the importance of widespread utilization of this safety and compliance device.

The Commercial Driver Compliance Improvement Act, if enacted, will require the Department of Transportation to issue regulations within eighteen months from enactment to require commercial motor vehicles used in interstate commerce to be equipped with electronic onboard recorders for purposes of improving compliance with hours of service regulations. The regulation will apply to commercial motor carriers, commercial motor vehicles, and vehicle operators subject to both hours of service and record of duty status requirements three years after the date of enactment of this Act. This population represents a vast majority of drivers and carriers who operate trucks weighing 10,001 pounds or more involved in interstate commerce. It will cover one hundred percent of over-the-road, long-haul truck drivers.

I urge my colleagues in the Senate to recognize the importance of this technology in saving lives on our nation's highways and interstates. I also ask for their support for this legislation and help in moving it to the President as quickly as possible. It is my hope that we move this legislation through the Senate no later than the Surface Transportation Reauthorization legislation that the Senate will take up in the near future.

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By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am pleased to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011, along with Senators BARRASSO, ROCKEFELLER and MURKOWSKI. It is critical that we work toward reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national program through the Department of Energy to facilitate up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need to address both the issues of liability and adequate project financing for early-mover projects. The program in this bill is a strong step to building confidence for project developers demonstrating that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas power plants, cement plants, refineries and other carbon intensive industrial processes. Such an early movers program will go far also assisting project developers and regulators to better understand and characterize any risks which may be associated with long-term geologic sequestration of carbon dioxide.

In addition, this legislation maps out a clear framework for long-term assurance for geological storage sites. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly after site closure and for long-term preventative maintenance of the geologic storage facility.

Many stakeholders associate maintenance issues with liability concerns. In my view, these are two separate issues. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring, accounting, and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase. This bill is consistent with the current efforts to provide a strong regulatory framework for safe geologic storage of carbon dioxide through the Underground Injection Control Program under the Safe Drinking Water Act.

As carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill also creates a grant program whose goal is to train personnel at State agencies which will oversee the regulatory aspects of geologic storage of carbon dioxide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 699

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011''.

**SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.**

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

**''SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.**

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

''(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

''(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

''(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

''(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

''(B) the principal potential modes of geomechanical failure in the geological storage unit;

''(C) the ability of the geological storage unit to retain injected carbon dioxide; and

''(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

''(2) possess the land or interests in land necessary for—

''(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

''(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

''(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

''(4) agree to comply with each requirement of subsection (e).

''(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

''(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with

Federal and State requirements to protect drinking water supplies;

''(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

''(3) comply with all applicable construction and operating requirements for deep injection wells;

''(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

''(A) escaping from or migrating beyond the confinement zone; or

''(B) endangering an underground source of drinking water;

''(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

''(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

''(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

''(B) complying with subsection (f);

''(6) comply with applicable long-term care requirements;

''(7) maintain financial protection in a form and in an amount acceptable to—

''(A) the Secretary;

''(B) the Secretary with jurisdiction over the land; and

''(C) the Administrator of the Environmental Protection Agency; and

''(8) provide the assurances described in section 963(c)(4)(B).

''(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has stabilized within the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

''(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed and is contained within the geologic storage unit.

''(2) The injection zone formation pressure has ceased to increase following cessation of carbon dioxide injection into the geologic storage unit.

''(3) There is no leakage of either carbon dioxide or displaced formation fluid from the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

''(4) The injected or displaced formation fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

''(5) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

''(g) INDEMNIFICATION AGREEMENTS.—

''(1) DEFINITION OF LIABILITY.—In this subsection, the term 'liability' means any legal liability for—

''(A) bodily injury, sickness, disease, or death;

''(B) loss of or damage to property, or loss of use of property; or

''(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

''(2) AGREEMENTS.—Not later than 1 year after the date of the receipt by the Secretary of a completed application for a demonstration project, the Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

''(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

''(4) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

''(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

''(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

''(ii) other factors pertaining to the hazard of the indemnified project.

''(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

''(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), or section 11 of title 41, United States Code (commonly known as the 'Adequacy of Appropriations Act').

''(B) LIMITATION.—The amount of indemnification under this subsection shall not exceed $10,000,000,000 (adjusted not less than once during each 5-year period following the date of enactment of this section, in accordance with the aggregate percentage change in the Consumer Price Index since the previous adjustment under this subparagraph), in the aggregate, for all persons indemnified in connection with an agreement and for each project, including such legal costs as are approved by the Secretary.

''(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

''(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

''(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

''(i) shall collaborate with the recipient of an award under this subsection; and

''(ii) may—

''(I) approve the payment of any claim under the agreement of indemnification;

''(II) appear on behalf of the recipient;

''(III) take charge of an action; and

''(IV) settle or defend an action.

''(C) SETTLEMENT OF CLAIMS.—

''(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

''(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

''(h) FEDERAL LAND.—

''(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

''(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1715).

''(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

''(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

''(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

''(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.'';

(C) in subsection (b) (as so redesignated), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(D) in subsection (c) (as so redesignated), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking ''section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))'' each place it appears and inserting ''section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))''.

**SEC. 3. TRAINING PROGRAM FOR STATE AND TRIBAL AGENCIES.**

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State and tribal

agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2010 through 2020.

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By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to introduce S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011, otherwise known as the HEARTH Act.

For far too long, bureaucratic red tape has prevented Indian tribes from pursuing economic development and homeownership opportunities on tribal trust lands. For many years, Indian tribes have expressed concerns about the Federal laws and regulations governing surface leases of tribal trust lands.

The delays and uncertainties inherent in the Bureau of Indian Affairs' lease approval process, as well as the restrictions on the duration of lease terms, create serious barriers to the ability of tribes to plan and carry out economic development and other land use activities on tribal lands.

The HEARTH Act would give Indian tribes the discretion to adopt their own surface leasing regulations and, once those regulations are approved by the Secretary of the Interior, the authority to enter into surface leases of tribal lands without any further approval of the Secretary. The HEARTH Act would provide our nation's Indian tribes with new tools with which to expedite the productive and beneficial use of their lands.

In the 111th Congress, the Committee on Indian Affairs approved a very similar version of this bill but the full Senate did not act on the measure.

Before I conclude, I would like to thank Senator AKAKA, the Committee's new Chairman, for his leadership on this issue and for agreeing to cosponsor this bill with me. I would also like to thank Senators THUNE, TIM JOHNSON, TESTER, and TOM UDALL for cosponsoring this important legislation.

In closing, I urge my colleagues to help us expand economic opportunity on tribal trust lands by moving S. 703 expeditiously.

Mr. AKAKA. Mr. President, I rise today speak as an original cosponsor of an amendment to the Long Term Leasing Act of 1955. I am pleased to be an original cosponsor on this legislation which was introduced by my colleague on the Senate Indian Affairs Committee, Mr. BARRASSO.

The Helping, Expedite and Advance Responsible Tribal Homeownership Act of 2001, also known as the HEARTH Act of 2011, amends the Long Term Leasing Act of 1995. That act allows tribes or individual Indians to lease their lands for up to 25 years for certain purposes, including economic development, housing, education, agricultural, and natural resource development. The current act requires the Secretary of the Interior to approve each individual lease. It can take up to 2 years for each lease to be approved. Often this bureaucratic delay leads to the loss of economic development and other opportunities for tribes.

Since the enactment of the Nonintercourse Act of June 30, 1834, and predecessor statutes, land transactions with Indian tribes were prohibited unless specifically authorized by Congress. Congress enacted the act of August 9, 1955, commonly known as the Long-Term Leasing Act to overcome the prohibitions contained in the Nonintercourse Act. The Long-Term Leasing Act permitted some land transactions between Indian tribes and non-Federal parties—specifically, the leasing of Indian lands. The act required that leases of Indian lands be approved by the Secretary of the Interior and limited to terms of 25 years.

Today, each individual lease of Indian lands still requires approval by the Secretary of the Interior. The HEARTH Act of 2011, would allow each tribe to develop its own leasing regulations. Those regulations would then be submitted to the Secretary of the Interior for approval. Thereafter, the tribes would be able to approve their own leases, so long as they are consistent with their regulations.

This amendment to the Long-Term Leasing Act will have a significant impact on streamlining the leasing process for tribes. It will reduce delays in entering into economic development opportunities, providing housing and developing natural resources on Indian lands.

I thank Mr. BARRASSO for his leadership on this critical legislation. My cosponsors are well aware of the positive impact this legislation will have economic opportunities for tribes. I urge my colleagues to join me in supporting the passage of this legislation.

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By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the U.S. Outdoor Act. In the Pacific Northwest, spending time in the great outdoors is a part of life. Our magnificent mountains, our clear rivers and streams, and our majestic forests provide for a quality of life that is, in my view, unparalleled. Unfortunately, the outerwear that enables us to enjoy these wonderful treasures is more expensive than it needs to be. This is because under current law, the United States imposes steep tariffs on outdoor performance outerwear like jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing and dozens of other outdoor activities.

These high tariffs—and let us call them what they are, taxes—were originally implemented to promote an import substitution policy. They were imposed to discourage American consumers from buying outerwear that was manufactured overseas, even if those were superior products. Today, there is no domestic outerwear industry to really protect with these tariffs, yet consumers are still paying through the teeth for products like snow pants and rain jackets. These tariffs are hammering the pocketbooks of millions of American consumers, and they harm the businesses that are engaged in promoting enjoyment of the great outdoors.

But we can fix this in a way that helps American producers better compete globally in an environmentally sustainable manner, and relieves consumers of artificially high costs. But it is more than just reducing costs and promoting innovation.

To me, the Outdoor Act is also about encouraging our kids and members of our community to get outside, to be active, and to appreciate and protect our natural treasures. I want to associate myself with the efforts of the First Lady, Michelle Obama, who is leading an important initiative to get people—especially kids—moving and eating healthier. I see the Outdoor Act, which makes getting outside to hike, bike, or fish more affordable as complementary of the First Lady's efforts.

I am proud that this legislation enjoys support from both sides of the political aisle and especially pleased that my friend, Senator CRAPO from Idaho, is helping to lead the charge with this initiative. Furthermore, I am happy that this legislation is supported by domestic textile and apparel companies as well as the performance outerwear designers and retailers. This all makes sense given that it will spur outdoor recreation and consumption of goods to support these activities. The outdoor recreation industry accounts for $730 billion dollars and 65 million jobs across the United States, with 73,000 jobs in Oregon. With this bill, we can potentially create even more jobs by increasing the purchasing power of consumers of outdoor goods, by saving them money on unnecessary tariffs.

The U.S. OUTDOOR Act eliminates the import duty for qualifying recreational performance outerwear, bringing duties that can be as high as 28 percent down to zero. It also establishes the Sustainable Textile and Apparel Research, STAR, fund, which invests in U.S. technologies and jobs that focus on sustainable, environmentally conscious manufacturing, helping textile and apparel companies work towards minimizing their energy and

water use, reducing waste and their carbon footprint, and incorporating efficiencies that help them better compete globally. I urge my colleagues to take a look at this legislation and to work with me to move it toward becoming law.

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By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, it might come as a surprise to some to learn that dog breeders who sell animals directly to consumers over the internet are not subject to any Federal regulation. Under the Animal Welfare Act, wholesale dog dealers have to have a Federal license and are subject to U.S. Department of Agriculture inspection. Wholesale dog dealers typically sell their puppies to retail pet stores. But the law exempts any ''retail pet store'' from the same licensing and inspection requirements, because there was a day when you bought a dog either from a licensed breeder or from a store, who bought their dogs from a licensed breeder.

While it is not defined in statute, the exemption for retail pet stores has been interpreted to mean any outlet that sells dogs directly to the public. With the advent of the internet, many people buy puppies and dogs from breeders that are not licensed. There are plenty of responsible breeders across the country who care about and take great pains to properly look after the dogs in their care. But this statutory loophole leaves the door wide open for unscrupulous and negligent commercial dog breeders.

Today, I am reintroducing the Puppy Uniform Protection and Safety, or PUPS, Act with my colleague Senator VITTER. The PUPS Act would require breeders who sell more than 50 dogs a year directly to the public to obtain a license from the USDA.

This licensing process is simple and inexpensive, but it allows for better oversight of the facilities that keep dogs to ensure that they are complying with minimum Federal standards.

The media regularly reports stories about dogs rescued from substandard facilities—where dogs are housed in stacked wire cages and seriously ill and injured dogs are routinely denied access to veterinary care. This inhumane treatment has a direct bearing on the physical and mental health of the dogs. I have heard from veterinarians in Illinois, who share heart-breaking tales of families who welcomed new puppies into their homes, only to learn later that the animals had serious health or behavioral problems. In some cases, these puppies could be treated, but often at great expense to their owners.

My bill would also require that dogs and puppies housed at all licensed breeding facilities have space to run around, something we all know dogs love to do, on a surface that is solid, or at the very least non-wire.

It is my hope that extending and improving oversight of this industry through the PUPS Act will help protect the welfare of puppies and dogs in Illinois and across the country. Americans should feel confident about the health and well-being of the dog that they welcome into their family.

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By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr. THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The federal waste law requires the tracking of hazardous waste from ''cradle to grave.'' This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modern world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has seven or eight copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over $100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will ''bid'' to set up the system at their cost and risk. They will be paid back on a per manifest basis by the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, JEFFORDS, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

In September of 2008, an equally similar bill introduced by Senator THUNE was reported favorably out of the Senate Environment and Public Works Committee and passed the Senate. Unfortunately, the House did not take up the measure.

This is legislation that is overdue. I ask members to join us in supporting this legislation which has garnered the backing of industry, states, and environmental groups. It is time for the waste manifest system to move into the 21st century.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 119—RECOGNIZING PAST, PRESENT, AND FUTURE PUBLIC HEALTH AND ECONOMIC BENEFITS OF CLEANER AIR DUE TO THE SUCCESSFUL IMPLEMENTATION OF THE CLEAN AIR ACT

Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 119

Whereas for more than 40 years since passing with strong bipartisan support, the Clean Air Act (42 U.S.C. 7401 et seq.) has saved lives and protected public health in the United States while creating jobs and enhancing national security;

Whereas the Clean Air Act has saved hundreds of thousands of American lives since 1970;

Whereas the Clean Air Act has helped industry in the United States lead the way in

creating jobs in pollution reduction technology, creating more than 1,000,000 jobs in the United States and a multibillion-dollar market for pollution reduction technology and leading to tens of billions of dollars in exports each year to other nations looking to improve their own air quality, according to the Institute of Clean Air Companies and The Small Business Majority;

Whereas the Clean Air Act is estimated to provide up to $40 of health and economic benefits to Americans for every dollar invested;

Whereas the Clean Air Act is credited with reducing air pollution from lead, carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and ozone by 41 percent over the 20 years prior to the date of approval of this resolution, while over the same period, gross domestic product grew by 64 percent;

Whereas the Clean Air Act has protected children by reducing lead pollution in the air by 92 percent since 1980, significantly reducing the number of children with brain damage resulting from lead poisoning;

Whereas the protections offered by the Clean Air Act are credited with saving families in the United States each year from 54,000 cases of chronic bronchitis, 130,000 cases of acute bronchitis, 130,000 heart attacks, 1,700,000 cases of asthma exacerbation, 86,000 emergency room visits, 3,200,000 lost school days for children, and 13,000,000 lost work days;

Whereas the Clean Air Act Amendments of 1990 (Public Law 101–549; 104 Stat. 2399), which also passed with strong bipartisan support, saves more than 160,000 American lives every year, has reduced power plant sulfur dioxide pollution by 64 percent and nitrogen oxides pollution by 67 percent, and has decreased acid rain deposits by 40 percent, all for a total investment of 82 percent less than originally estimated by the Federal Government;

Whereas the Clean Air Act Amendments of 1990 led to a phase-out by 1996 of the most harmful ozone layer-depleting products, for a total investment of 30 percent less than originally projected by the Federal Government, saving millions of Americans from skin cancer;

Whereas the Clean Air Act vehicle standards for cars, light trucks, and heavy duty trucks help—

(1) to save drivers money at the gas pump by spurring fuel efficiency innovation, at an estimated savings to drivers of $2,800 over the life of a vehicle; and

(2) to create hundreds of thousands of new jobs while enhancing national security by saving an estimated 2,300,000,000 barrels of oil over the life of those vehicles;

Whereas there remains a need to reduce harmful pollutants under the Clean Air Act, including soot- and smog-forming pollutants, mercury, lead, arsenic, carbon monoxide, and carbon dioxide, to avoid negative health impacts on families and children that include brain damage and developmental problems for unborn children and infants, heart attacks and strokes, aggravated asthma attacks, lung damage, and early deaths;

Whereas according to the American Lung Association 1 in every 10 Americans lives in an area with unhealthy year-round levels of fine particle pollution, and 6 in every 10 Americans live in an area with unhealthy levels of 1 or more air pollutants; and

Whereas many of the leading medical professional and public health organizations of the United States, including the American Academy of Pediatrics, the American Association of Cardiovascular and Pulmonary Rehabilitation, the American College of Preventative Medicine, the American Heart Association, the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the National Association of County and City Health Officials, the National Physicians Alliance, the Trust for America's Health, and the Children's Environmental Health Network, have stated that continued successful implementation of the Clean Air Act is ''quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more'': Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the health, economic, and national security benefits of the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) believes that the people of the United States deserve the cleanest air and healthiest lives possible;

(3) recognizes that the Clean Air Act programs have a record of providing clear short- and long-term health and economic benefits that significantly exceed the initial investments made in pollution reduction technology; and

(4) supports the protection of children and families from harmful pollution through continued implementation of the Clean Air Act.

## SENATE RESOLUTION 120—RECOGNIZING THE 1 YEAR ANNIVERSARY OF THE APRIL 2, 2010, FIRE AND EXPLOSION AT THE TESORO REFINERY IN ANACORTES, WASHINGTON

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dangerous nature of refinery operations around the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

## SENATE RESOLUTION 121—DESIGNATING APRIL 2011 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were ''very confident'' about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were ''very confident'' in 2007;

Whereas according to a 2010 ''Flow of Funds'' report by the Board of Governors of the Federal Reserve System, household debt stood at $13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 2011 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

## SENATE RESOLUTION 122—HONORING THE LIFE AND LEGACY OF ELIZABETH TAYLOR

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in ''BUtterfield 8'' and ''Who's Afraid of Virginia Woolf?'', and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including ''A Place in the Sun'', ''Raintree Country'', ''Giant'', and ''Cat On A Hot Tin Roof'', have become classic films appreciated by generations of moviewatchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, ''It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.'';

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as ''amfAR'');

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

## SENATE RESOLUTION 123—COMMENDING ACHIEVA ON ITS 60TH ANNIVERSARY OF PROVIDING STRONG ADVOCACY FOR AND INNOVATIVE SERVICES TO CHILDREN AND ADULTS WITH DISABILITIES AND THE FAMILIES OF THOSE CHILDREN AND ADULTS IN THE STATE OF PENNSYLVANIA AND DESIGNATING THE WEEK OF MARCH 26 THROUGH APRIL 2, 2011, AS ''CELEBRATING ACHIEVA'S 60TH ANNIVERSARY WEEK''

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

## SENATE RESOLUTION 124—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. REID of Nevada, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 124

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farmworkers laboring in fields and vineyards throughout the Southwest, when a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an 8th grade education, left school to work full-time as a farmworker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farmworkers to campaign for safe and fair working conditions, reasonable wages, livable housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization—

(1) to coordinate voter registration drives; and

(2) to conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farmworkers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farmworkers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to nonviolence, César Estrada Chávez—

(1) brought dignity and respect to the organized farmworkers; and

(2) became an inspiration and a resource to individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working—

(1) to better human rights;

(2) to empower workers; and

(3) to advance the American Dream that includes all inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas since the death of César Estrada Chávez, 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31 of each year;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas President Barack Obama honored the life of service of César Estrada Chávez by proclaiming March 31, 2010, to be ''César Chávez Day''; and

Whereas the United States should continue efforts to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the accomplishments and example of a great hero of the United States, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, in the English translation, ''Yes, we can.''

## SENATE RESOLUTION 125—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC HEALTH WEEK

Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 125

Whereas the week of April 4, 2011, through April 10, 2011, is National Public Health Week, and the theme for 2011 is ''Safety is No Accident: Live Injury-Free'';

Whereas since 1995, public health organizations have used National Public Health Week to educate the public, policymakers, and public health professionals about issues that are important to improving the health of the people of the United States;

Whereas each year, nearly 150,000 people die from injuries and almost 30,000,000 people are injured seriously enough to require a visit to an emergency room;

Whereas unintentional injuries, such as motor vehicle crashes, poisonings, and burns, rank among the top 10 causes of death for people ages 1 through 44;

Whereas the financial costs of injuries are staggering, accounting for 12 percent of annual medical care spending and totaling as much as $69,000,000,000 per year;

Whereas injuries, unexpected events, and violence affect people at home, at work, and at play, in their communities and on the move; and

Whereas many injuries and associated costs can be prevented by taking actions such as wearing a seatbelt, properly installing smoke alarms, properly installing and using child safety seats, wearing a helmet, storing cleaning supplies and guns in locked cabinets, and educating the community about violence and abuse toward children, women, seniors, and other at-risk populations: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of National Public Health Week;

(2) recognizes the efforts of public health professionals, the Federal Government, States, municipalities, local communities, and every person in the United States in reducing injuries and promoting safety;

(3) recognizes the role of public health in promoting safety, preventing injury, and improving the health of people in the United States;

(4) encourages increased efforts and resources to improve the health of people in the United States through—

(A) the promotion of safety and reduction of injuries; and

(B) the strengthening of the public health system of the United States; and

(5) encourages the people of the United States to learn about the role of public health in improving health in the United States.

## SENATE RESOLUTION 126—SUPPORTING THE MISSION OF UNESCO'S WORLD HERITAGE CONVENTION AND CELEBRATING THE 2011 INTERNATIONAL DAY FOR MONUMENTS AND SITES

Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the United States was the primary architect of the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (commonly known as the ''World Heritage Convention''), and the following year became the first of the now 187 countries to ratify the convention;

Whereas the World Heritage Convention is the most widely accepted and effective conservation mechanism for the world's most significant natural and cultural sites, and the only international convention focused on both nature and culture;

Whereas the Word Heritage Convention exemplifies the United Nations Educational, Scientific and Cultural Organization's (UNESCO) goals of promoting peace through cultural dialogue;

Whereas the ideals set forth in the Convention reflect the commitment of the United States to conserving its national parks and other forms of natural and cultural heritage;

Whereas the United States has served four terms on the World Heritage Committee, most recently from 2005 through 2009;

Whereas the World Heritage List currently contains 911 cultural and natural sites, 21 of which are located within the United States, including Florida's Everglades National Park, whose Ten Thousand Islands area composes part of the largest stand of protected mangrove forest in the Western hemisphere; Wrangell-St. Elias and Glacier Bay National Parks in Alaska, which contain some of the world's longest glaciers; California's Redwood National and State Parks, home to some of the tallest and oldest trees in the world; Grand Canyon National Park in Arizona, which retraces geological history over 2,000,000,000 years and represents the four major geologic eras; Independence Hall in Pennsylvania, where both the Declaration of Independence and the United States Constitution were signed; and Taos Pueblo, in New Mexico, one of the oldest continuously inhabited communities in the United States, and the only living American community designated both a World Heritage Site and a National Historical Landmark;

Whereas, in 2010, for the first time in 15 years, the World Heritage Committee inscribed a site in the United States, Papahānaumokuākea Marine National Monument, onto the World Heritage List, a site that is a natural and cultural treasure for Hawaiians and is rich in marine biodiversity and pristine natural beauty;

Whereas UNESCO and its World Heritage Centre play a vital role in the safeguarding

of monuments and sites in times of crisis, war, or natural disaster;

Whereas, in an age of increasing conflict and volatility, the World Heritage Convention is more important than ever in ensuring the protection of priceless historical treasures;

Whereas the recent upheaval in Egypt, which threatened artifacts from the antiquities museum in Cairo, and mounting concerns about the destruction of the Roman ruins of Leptis Magna and other ancient cites in Libya serve as reminders of the crucial role UNESCO plays in promoting protection and conservation;

Whereas, through its List of World Heritage in Danger, UNESCO seeks to work with national governments to preserve natural and cultural sites under duress, by raising international awareness and providing local authorities with the support they need;

Whereas, in Afghanistan, UNESCO's safeguarding campaign is premised on the belief that a shared cultural heritage can strengthen national identity and create a common sense of ownership over the country's past and future;

Whereas the United States Government provides considerable assistance to World Heritage sites around the globe through programs such as the National Park Service's World Heritage Fellowship, which provides site managers from developing countries with training at World Heritage sites in the United States, including Everglades, Grand Canyon, Hawaii Volcanoes, and Olympic National Parks;

Whereas the World Heritage Centre has formed innovative partnerships with several private organizations in the United States, including new interactive tools that allow users to virtually tour UNESCO World Heritage sites from their computers;

Whereas April 18th has been endorsed by the UNESCO General Conference as the International Day for Monuments and Sites, also known as World Heritage Day; and

Whereas the 39th anniversary of the day in 2011 reflects a long-standing commitment to the celebration and preservation of natural and cultural sites around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the mission of UNESCO's World Heritage Convention;

(2) acknowledges the 39th anniversary of the International Day for Monuments and Sites; and

(3) commends UNESCO and its role in preserving and celebrating natural and cultural sites worldwide.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 278. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 278.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 23, add the following:

**SEC. 209. INITIATIVE TO PUBLICIZE THE SBIR PROGRAMS AND STTR PROGRAMS TO VETERANS.**

(a) INITIATIVE.—The Administrator, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to use programs of the Administration in effect on the date of enactment of this Act—

(1) to publicize the SBIR programs and STTR programs of the Federal agencies to veterans recently separated from service in the Armed Forces; and

(2) to encourage veterans with applicable technical skills to apply for awards under the SBIR programs and STTR programs of the Federal agencies.

(b) LIMITATION.—Neither the Administrator nor the Secretary of Veterans Affairs may hire additional employees or enter into additional contracts for services to carry out this section.

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**SA 279.** Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROHIBITION ON USING FEDERAL ASSISTANCE TO REPAY TARP FUNDS.**

Notwithstanding any other provision of law, no person may repay or refinance amounts received under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) using funds received in any form under any other Federal assistance program.

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**SA 280.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes, which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

''(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—

''(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

''(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.''; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

''(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

''(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike ''the waste,'' and all that follows through ''2011'' on line 10 and insert ''waste, fraud, and abuse prevention activities''.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

''(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than $50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.''.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program;

(D) a requirement that each applicant for funding under the SBIR program or STTR program shall certify that the applicant—

(i) is a small business concern; and

(ii) has disclosed the names of any other Federal agency to which the applicant has submitted an essentially equivalent work proposal, as defined under the SBIR Policy Directive and the STTR Policy Directive;

(E) a requirement that each small business concern that receives funding under the SBIR program or the STTR program, when requesting payment for work performed under an award under the program, shall certify that the small business concern—

(i) has performed all work for which the small business concern is requesting payment in accordance with the terms and conditions of the award; and

(ii) has not received payment from another Federal agency for the same work; and

(F) a requirement that, for each certification under subparagraph (D) or (E), an individual who may bind the small business concern acknowledge that—

(i) the statements in the certification are true and complete to the best of the knowledge of the individual; and

(ii) the provision of false information or concealing a material fact is a criminal offense under section 1001 of title 18, United States Code.

(3) CONSULTATION.—The Administrator shall develop the certifications required under subparagraph (D) and (E) of paragraph (2) in cooperation with the Council of Inspectors General on Integrity and Efficiency.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e) Each Inspector General of each establishment that is required to participate in

the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

''(1) establishing fraud detection indicators;

''(2) reviewing regulations and operating procedures of the Federal agencies;

''(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

''(4) improving the education and training of, and outreach to—

''(A) administrators of the SBIR program and the STTR program of each Federal agency;

''(B) applicants to the SBIR program or the STTR program; and

''(C) recipients of awards under the SBIR program or the STTR program.''.

On page 102, beginning on line 7, strike '', and every 3 years thereafter,'' and insert ''to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies,''.

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after ''STTR program'' insert the following: '', at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program,''.

On page 107, between lines 10 and 11, insert the following:

**SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.**

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

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**SA 281.** Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. ___. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.**

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual's eligibility under this Act.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

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**SA 282.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 504. AGENCY GOOD GUIDANCE PRACTICES.**

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term ''agency'' has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term ''economically significant guidance document'' means a significant guidance document that may reasonably be anticipated to lead to an annual effect on the economy of $ 100,000,000 or more or adversely affect in a material way the economy or a sector of the economy, except that economically significant guidance documents do not include guidance documents on Federal expenditures and receipts;

(4) the term ''disseminated''—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code, (commonly referred to as the ''Privacy Act''), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(5) the term ''guidance document'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(6) the term ''regulation'' means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(7) the term ''regulatory action'' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

(8) the term ''significant guidance document''—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of $ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator.

(b) AGENCY GOOD GUIDANCE PRACTICES.—

(1) AGENCY STANDARDS FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) APPROVAL PROCEDURES.—

(i) IN GENERAL.—Each agency shall develop or have written procedures for the approval of significant guidance documents, which shall ensure that the issuance of significant guidance documents is approved by appropriate senior agency officials.

(ii) REQUIREMENT.—Employees of an agency may not depart from significant guidance documents without appropriate justification and supervisory concurrence.

(B) STANDARD ELEMENTS.—Each significant guidance document—

(i) shall—

(I) include the term ''guidance'' or its functional equivalent;

(II) identify the agency or office issuing the document;

(III) identify the activity to which and the persons to whom the significant guidance document applies;

(IV) include the date of issuance;

(V) note if the significant guidance document is a revision to a previously issued guidance document and, if so, identify the

document that the significant guidance document replaces;

(VI) provide the title of the document and a document identification number; and

(VII) include the citation to the statutory provision or regulation (in Code of Federal Regulations format) which the significant guidance document applies to or interprets; and

(ii) shall not include mandatory terms such as ''shall'', ''must'', ''required'', or ''requirement'' unless—

(I) the agency is using those terms to describe a statutory or regulatory requirement; or

(II) the terminology is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected private parties.

(2) PUBLIC ACCESS AND FEEDBACK FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) INTERNET ACCESS.—

(i) IN GENERAL.—Each agency shall—

(I) maintain on the website for the agency, or as a link on the website of the agency to the electronic list posted on a website of a component of the agency a list of the significant guidance documents in effect of the agency, including a link to the text of each significant guidance document that is in effect; and

(II) not later than 30 days after the date on which a significant guidance document is issued, update the list described in clause (i).

(ii) LIST REQUIREMENTS.—The list described in subparagraph (A)(i) shall—

(I) include the name of each—

(aa) significant guidance document;

(bb) document identification number; and

(cc) issuance and revision dates; and

(II) identify significant guidance documents that have been added, revised, or withdrawn in the preceding year.

(B) PUBLIC FEEDBACK.—

(i) IN GENERAL.—Each agency shall establish and clearly advertise on the website for the agency a means for the public to electronically submit—

(I) comments on significant guidance documents; and

(II) a request for issuance, reconsideration, modification, or rescission of significant guidance documents.

(ii) AGENCY RESPONSE.—Any comments or requests submitted under subparagraph (A)—

(I) are for the benefit of the agency; and

(II) shall not require a formal response from the agency.

(iii) OFFICE FOR PUBLIC COMMENTS.—

(I) IN GENERAL.—Each agency shall designate an office to receive and address complaints from the public relating to—

(aa) the failure of the agency to follow the procedures described in this section; or

(bb) the improper treatment of a significant guidance document as a binding requirement.

(II) WEBSITE.—The agency shall provide, on the website of the agency, the name and contact information for the office designated under clause (i).

(3) NOTICE AND PUBLIC COMMENT FOR ECONOMICALLY SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), in preparing a draft of an economically significant guidance document, and before issuance of the final significant guidance document, each agency shall—

(i) publish a notice in the Federal Register announcing that the draft document is available;

(ii) post the draft document on the Internet and make a tangible copy of that document publicly available (or notify the public how the public can review the guidance document if the document is not in a format that permits such electronic posting with reasonable efforts);

(iii) invite public comment on the draft document; and

(iv) prepare and post on the website of the agency a document with responses of the agency to public comments.

(B) EXCEPTIONS.—In consultation with the Administrator, an agency head may identify a particular economically significant guidance document or category of such documents for which the procedures of this subsection are not feasible or appropriate.

(4) EMERGENCIES.—

(A) IN GENERAL.—In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify the Administrator as soon as possible and, to the extent practicable, comply with this subsection.

(B) SIGNIFICANT GUIDANCE DOCUMENTS SUBJECT TO STATUTORY OR COURT-IMPOSED DEADLINE.—For a significant guidance document that is governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule the proceedings of the agency to permit sufficient time to comply with this subsection.

(5) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 7, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review Department of Energy biofuel programs and biofuel infrastructure issues, and to consider S. 187, the Biofuels Market Expansion Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Tara Billingsley (majority) at (202) 224–4756, Amanda Kelly (majority) at (202) 224–6836, or Brian Hughes (minority) at (202) 224–7555.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 31, 2011.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 2:15 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''APEC 2011: Breaking Down Barriers, Creating Economic Growth.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 2 p.m., to hold a hearing entitled ''Assessing the Situation in Libya.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''A Tragic Anniversary: Improving Safety at Dangerous Mines One Year After Upper Big Branch'' on March 31, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 31, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March

31, 2011, at 10 a.m. to conduct a hearing entitled ''President's FY2012 Budget Request for the U.S. Small Business Administration and the Office of Advocacy.''

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

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS SUBCOMMITTEE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics subcommittee hearing entitled, ''A Shared Responsibility: Counternarcotics and Citizen Security in the Americas.''

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m. to conduct a hearing entitled, ''Exploring Drug Gangs' Ever-Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m. in Dirksen 406.

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

## UNANIMOUS CONSENT AGREEMENT—H.R. 4

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, April 5, the Senate proceed to the immediate consideration of Calendar No. 16, H.R. 4; that the only amendment in order to the bill be an amendment to be offered by Senator MENENDEZ; that there be up to 60 minutes of debate equally divided between the two leaders or their designees, prior to a vote in relation to the Menendez amendment; that the amendment not be divisible and no amendments be in order to the amendment prior to the vote; that upon disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60-vote threshold; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 4, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 42; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate, on Calendar No. 42; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 120, S. Res. 121, S. Res. 122, and S. Res. 123.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any statements relating to these resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 120

Recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington.

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dangerous nature of refinery operations around the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

S. RES. 121

Designating April 2011 as ''Financial Literacy Month''.

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were ''very confident'' about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were ''very confident'' in 2007;

Whereas according to a 2010 ''Flow of Funds'' report by the Board of Governors of the Federal Reserve System, household debt stood at $13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they

spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2011 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

S. RES. 122

Honoring the life and legacy of Elizabeth Taylor.

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in ''BUtterfield 8'' and ''Who's Afraid of Virginia Woolf?'', and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including ''A Place in the Sun'', ''Raintree Country'', ''Giant'', and ''Cat On A Hot Tin Roof'', have become classic films appreciated by generations of moviewatchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, ''It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.'';

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as ''amfAR'');

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

S. RES. 123

Commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

## MEASURES READ THE FIRST TIME—H.R. 471 AND S. 706

Mr. REID. Mr. President, I understand there are two bills at the desk due their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The assistant bill clerk read as follows:

A bill (S. 706) to stimulate the economy, produce energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

A bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I ask for the second reading of these two matters en bloc, but I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bills will be read on the next legislative day.

## ORDERS FOR MONDAY, APRIL 4, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until 2 p.m. on Monday, April 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each. Further, I ask that following morning business, the Senate proceed to executive session under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, Senators should expect the first rollcall vote of the week at 5:30 p.m. on Monday. That vote will be on the confirmation of Executive Calendar No. 42, Jimmie V. Reyna, of Maryland, to be U.S. circuit judge. Additionally, we were able to reach agreement tonight to vote in relation to H.R. 4, 1099 repeal. Senators should expect two rollcall votes on Tuesday prior to the caucus meetings.

## ADJOURNMENT UNTIL MONDAY, APRIL 4, 2011, AT 2 P.M.

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

There being no objection, the Senate, at 7:40 p.m., adjourned until Monday, April 4, 2011, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

GARY LOCKE, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

THE JUDICIARY

CORINNE ANN BECKWITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE INEZ SMITH REID, RETIRED.

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE SIDNEY H. STEIN, RETIRED.

DEPARTMENT OF JUSTICE

GEORGE LAMAR BECK, JR., OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE LEURA GARRETT CANARY, TERM EXPIRED.

DAVID L. MCNULTY, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JAMES JOSEPH PARMLEY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. JOSEPH C. CARTER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) THOMAS C. TRAAEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) WILLIAM M. ROBERTS

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

ALLAN K. DOAN
ANDREW L. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

BUDI R. BAHUREKSA
JOHNATHAN M. COMPTON
TIMOTHY R. LANDIS
MUHAMMAD A. SHEIKH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JUAN J. DEROJAS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DAVID S. GOINS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

KIMBERLY A. SPECK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

*To be major*

LYNDALL J. SOULE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JAMES J. HOULIHAN
JASON S. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JOSHUA P. STAUFFER
RICHARD RC STONE
BRIDGET C. WOLFE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

EDWIN ROBINS

*To be major*

JOHN D. PEMBERTON
JEFFREY M. TIEDE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

RICHARD J. SCHOONMAKER

*To be major*

JAEWOO CHUNG
ALFRED J. DESIMONE
EDWARD W. LUMPKINS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

JOHN H. BORDES
MARIE N. WRIGHT

*To be major*

DEBORAH J. MILLER
EDNA J. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

RICHARD R. JORDAN
CHRISTOPHER W. SOIKA

*To be lieutenant colonel*

JEANNIE M. MUIR

*To be major*

NAZNEEN R. BILLIMORIA
MARK D. BUZZELLI
DAVID W. MANNING
VINCENT J. MASE
CARLOS MATA
RICHARD A. METER
CASEY MICKLER
STEVEN M. POTTER
MICHAEL J. PRIOLA
APRIL B. TURNER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DAVID S. PLURAD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

JAMES P. KITZMILLER

*To be commander*

MARK R. BREEDEN

*To be lieutenant commander*

JONATHAN D. SZCZESNY

# EXTENSIONS OF REMARKS

## COMMEMORATING THE 190TH ANNIVERSARY OF GREECE'S INDEPENDENCE

### HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. GUINTA. Mr. Speaker, today, as we commemorate the 190th anniversary of Greece's independence, we not only reaffirm the ties that link our two great nations together as allies, but we also honor the accomplishments of so many Greek Americans who have made their home in New Hampshire and their immeasurable contributions to the Granite State.

One such Greek American who has dedicated his life to enhancing our community through public service is my friend, Manchester Mayor Ted Gatsas. Throughout his service as an Alderman, State Senator, and Mayor, he has dedicated his life to ensuring that we leave a better state to our children and grandchildren. Mayor Gatsas embodies the hard work, dedication, and fortitude that so many Greek Americans exemplify in our community.

This is a great day for Mayor Ted Gatsas, his wife Cassandra, and all Greek Americans who call New Hampshire home. I wish him the very best and many more years of service to our state.

## LYCOMING COLLEGE BICENTENNIAL CHARTER DAY

### HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. MARINO. Mr. Speaker, I rise today in honor of the Bicentennial Charter Day of Lycoming College. Chartered on April 2, 1811, Lycoming College is a national liberal arts and science institution located in Williamsport, Pennsylvania. The College is one of the fifty oldest colleges in the nation.

Lycoming College was founded in 1812 as the Williamsport Academy for the Education of Youth in the English and other Languages, in the Useful Arts, Science and Literature. From its inception, the Academy educated both men and women, and has provided students with financial aid.

The Reverend Benjamin Crever is credited with founding Lycoming College. Crever was a circuit-riding Methodist preacher who alerted the Baltimore Conference to the sale of the Academy, and in 1847 the Baltimore Conference purchased the Academy, subsequently opening the Williamsport Dickinson Seminary. Of the four schools Rev. Crever founded, Lycoming is the only one left operating as an educational institution.

During the term of the school's ninth President, Dr. John W. Long, Lycoming College became an accredited institution. In 1929, Williamsport Dickinson Seminary became the first accredited junior college in Pennsylvania, taking the name Williamsport Dickinson Junior College. The College then became a four-year college of the liberal arts and sciences in 1947, still under the leadership of Dr. Long. Lycoming College took its name in 1947 with reference to the local county and Native American word meaning "great stream."

In 1989, Lycoming College President Dr. James E. Douthat ushered in an era of increased enrollment and revised curriculum. Today, the school has more than 16,000 alumni and is recognized as a tier-one institution by U.S. News and World Report. Lycoming College provides undergraduate education to more than 1,400 students, offering over 30 majors culminating in a Bachelor's Degree of either Arts or Sciences.

Mr. Speaker, as a graduate of Lycoming College, it is with great pride that I rise today to honor this institution of higher learning on the anniversary of its Bicentennial Charter Day. Lycoming College's commitment to education for all, regardless of gender or financial situation, is to be commended. The College has continued to grow in influence and educational prowess since the Charter on April 2, 1811.

## COTTONWOOD INC. AND ABILITYONE

### HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. JENKINS. Mr. Speaker, the first priority of this Congress must be getting the American people back in the work place. I rise to support one program that is doing just that.

Today in Lawrence, Kansas the men and women at Cottonwood Inc., are manufacturing tie-down straps that our military uses to secure cargo in trucks, humvees, planes, ships and any other means of transportation.

But what makes Cottonwood particularly noteworthy, isn't just that they have been awarded the gold medal for excellence from the Defense Logistics Agency for 9 consecutive years, but that through the AbilityOne program many of the men and women assembling and packaging the tiedown straps have developmental disabilities.

The AbilityOne program provides employment opportunities to those who have severe disabilities by directing the Federal Government to purchase products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities.

The Kansans employed through this program are making significant contributions as citizens to our armed services and are productive members of the Lawrence community.

I proudly support Cottonwood, the AbilityOne Program and its workers in Kansas for making a difference in unemployment among people with disabilities both in Kansas and throughout the country.

## HONORING MR. SANFORD BEECHER

### HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Sanford Beecher to celebrate 50 years of practicing law in the Commonwealth of Pennsylvania. Sanford D. Beecher, Jr. was born on August 13, 1932. "Sandy" as he is more commonly known, was raised in Bala Cynwyd, Pennsylvania and attended The Episcopal Academy.

After high school Sandy attended Amherst College in Amherst, Massachusetts. Upon graduation from Amherst, Sandy served our country in the U.S. Army's European Occupation of Germany from 1954–1956. After returning home, Sandy enrolled in the law program at the University of Pennsylvania, being admitted to the Pennsylvania Bar in 1961.

Sandy began his law career at Duane Morris & Heckscher in Philadelphia, Pennsylvania, being admitted to the bar in 1961. Today he is "of counsel" to Klemeyer, Farley & Bernathy LLC in Milford, Pennsylvania.

Sandy married Sally Coder in 1954, and is the proud father of five children: Sharon, Susan, Sanford III, Stacey, and Sarah, and has been blessed with eleven grandchildren: Ryan, April, Tess, Gabe, Luke, Christian, Corey, Clayton, Emily, Claire, and Julia.

Sandy is an active member of the community having served as President of the Pike County Chamber of Commerce, the Pike County Ducks Unlimited, and the Pike County Bar Association. He also serves on the Board of Directors of Mercy Community Hospital and is an active member of The Church of the Good Shepherd, St. John the Evangelist.

Mr. Speaker, I rise today to honor Sandy Beecher on his 50 year law career and ask my colleagues to join me in praising his commitment to his family, his community, and our nation.

## KATHERINE MOORE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Katherine Moore for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Katherine Moore is a 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katherine Moore is exemplary of the type of achievement that can be attained with hard work and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Katherine Moore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## COMMEMORATING THE SERVICE OF MAJOR GENERAL WILLIAM D. RAZZ WAFF

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today to honor Major General William D. Razz Waff, who was promoted from Brigadier General to Major General by the United States Army Reserve on Saturday, February 26, 2011 at Fort Dix, New Jersey.

MG Waff began his military career by attending the Virginia Military Institute and then the University of Mississippi, where he graduated magna cum laude with a Bachelor of Music Degree in 1976. He was commissioned through the Ole Miss Reserve Officer Training Corps (ROTC) Regular Army branch as a Distinguished Military Graduate Second Lieutenant in the Adjutant General's Corps. MG Waff served in active duty for four years at Fort Jackson, South Carolina: as the Executive Officer of the Advanced Individual Training Company; as Battalion Adjutant for the 11th Battalion, 4th Advanced Individual Training Brigade; as Executive Officer and Commander for the Fort Jackson Headquarters Company; and as Executive Officer/Adjutant of the Military Enlistment Processing Station.

After his service in active duty, MG Waff joined the United States Army Reserve. He has served in a number of commendable leadership positions across the country, which include: Training Officer of the 477th Personnel Service Company; G1 for the 1st Brigade, 85th Division; command of the Second Simulation Group, 1st Brigade, 85th Division; Chief of Staff of the 88th Regional Readiness Command; and Brigadier General for the Deputy Commanding General of the 99th Regional Readiness Command.

Major General Waff is a decorated hero with numerous accolades, which include: the Meritorious Service Medal with four Oak Leaf Clusters; the Army Achievement Medal with One Oak Leaf Cluster; the Armed Forces Reserve Medal with the Gold Hourglass Device; the National Defense Service Medal with Bronze Service Star, and the Army Reserve Component Achievement Medal.

Currently, MG Waff is the Commanding General of the 99th Regional Support Command, where he is responsible for administrative, logistical, and facility support for more than 46,000 Army Reserve Soldiers in 439 units at 361 USAR centers and maintenance facilities in 13 states. Prior to his current duty assignment, MG Waff was the Deputy Commanding General of the United States Army Human Resources Command in Fort Knox, Kentucky, Alexandria, Virginia, and St. Louis, Missouri.

Mr. Speaker, I ask that you and my colleagues join me in recognizing Major General William D. Razz Waff for his commendable dedication in protecting and serving the United States of America.

## KAREN VILLAGRANA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Karen Villagrana for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Karen Villagrana is a 11th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Karen Villagrana is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Karen Villagrana for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## REDUCING REGULATORY BURDENS ACT OF 2011

SPEECH OF

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I don't believe anyone in this House supports truly duplicative or redundant regulation—and we should all be prepared to eliminate the headache and expense of unnecessary red tape wherever we find it. But that's not what's happening here.

In 2009, the U.S. Court of Appeals for the Sixth Circuit found in the National Cotton Council vs. EPA case that pesticides are pollutants whose discharge into our waterways is governed by the Clean Water Act. Today's legislation proposes to overturn that ruling and exempt pesticides from the Clean Water Act on the grounds that pesticides are already subject to registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

FIFRA registration is conditioned upon a finding that an approved pesticide ''will not generally cause unreasonable adverse affects on the environment''. While FIFRA registration weighs the costs and benefits of pesticide use nationally, it does not involve local assessments. For example, it does not consider whether a waterway is used for fishing or for swimming—or whether a waterway is already impaired. Indeed, with over 1000 waterways in the United States currently known to be impaired because of pesticide contamination, it is manifestly clear that FIFRA registration alone has not been sufficient to protect our nation's water.

For that reason, while I support efficient and effective regulation, I do not believe that exempting pesticides from the Clean Water Act is the answer to making sure our citizens have access to clean water. I urge a no vote.

## JUDITH GONZALEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Judith Gonzalez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Judith Gonzalez is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Judith Gonzalez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Judith Gonzalez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## 10TH ANNIVERSARY OF THE CONGRESSIONAL CAUCUS ON U.S.-TURKEY RELATIONS AND TURKISH AMERICANS

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. FOXX. Mr. Speaker, I rise today to recognize the 10th Anniversary of the founding of the Congressional Caucus on U.S.-Turkey Relations and Turkish Americans of which I am proud to serve as Co-Chair with Congressmen ED WHITFIELD, STEVE COHEN and GERRY CONNOLLY.

The Congressional Caucus on U.S.-Turkey Relations and Turkish Americans, otherwise known as the Turkish Caucus, was established nearly a decade ago by Representatives WHITFIELD, KAY GRANGER, and Robert Wexler to provide a platform for members of Congress to foster dialogue with our staunch ally, the Republic of Turkey, and in recognition of the valuable contributions made by Americans of Turkish descent to our society.

The Turkish Caucus and the Turkish Coalition of America, an educational organization serving to advance understanding on U.S.-Turkish issues, will be celebrating this important milestone today with a ''Turkish Caucus Day.''

The Turkish Caucus, established by two dozen members a decade ago, has grown into a formidable bipartisan caucus. In the last Congress, over a quarter of the total membership of the House had joined the Turkish Caucus. Today, in the 112th Congress, it has 106 members.

The important friendship between the United States and Turkey has proven enormously important since the beginning of the Cold War

and has only grown in importance since its end. Time and time again, the Republic of Turkey has stood firmly with the United States as we have pursued our shared goals in a region where we have few steady allies. Turkey, a fellow NATO country, is a vital partner and an example of a vibrant democracy in a region burdened with inequality. The country's importance has further increased over the past few months as the region is undergoing revolutionary changes.

The Turkish Caucus has become an effective platform to foster increased contacts and activities between different groups of Americans and Turkish citizens. These include meetings with our counterparts in the Turkish Grand National Assembly, which established a corresponding Turkish-U.S. Friendship Group as well as substantially increased meetings of both public and private representatives of Turkey with their American counterparts as well as with Turkish Americans. Members of the Turkish Caucus have played a leadership role in adding the voice of Congress to crucial matters related to U.S.-Turkey relations and our vital interests in the region.

Turkish Americans deserve a special thank-you for their role in expanding the membership as well as the vibrancy of the Turkish Caucus over the years. The recognition of the Caucus as a symbol of Congress' appreciation of our alliance and partnership with the Turkish nation by Turkish Americans has contributed to the rapid growth of the Caucus. On the occasion of Turkish Caucus Day, I salute Turkish Americans across the nation and thank them for their outstanding contributions to America and to strengthening the U.S.-Turkey partnership.

Our world is facing formerly unseen, monumental challenges. There is no doubt that now, more than ever, we need a strong U.S.-Turkey relationship that embodies democratic values, pluralism, secularism and respect for human rights. This kind of transnational relationship carries peace and prosperity dividends not only for the American and Turkish people, but also for the entire world.

With these thoughts, I invite my fellow members to join the Turkish Caucus on the occasion of ''Turkish Caucus Day'' and join us in this celebration.

## JUAN DeLaTORRE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Juan DeLaTorre for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Juan DeLaTorre is a 9th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Juan DeLaTorre is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Juan DeLaTorre for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## HONORING THE AMERICAN RED CROSS

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. BILIRAKIS. Mr. Speaker, I rise to honor the American Red Cross, its employees, and volunteers on the occasion of Red Cross Month. Everyday the Red Cross provides care and comfort to individuals impacted by disasters. The Red Cross and its volunteers also provide training and education programs in communities around the United States.

In my area, the Tampa Bay Chapter works tirelessly to serve our community. Last year, the chapter and its thousands of dedicated volunteers responded to more than 400 local disasters, assisting over 500 families. It provided training in first aid, CPR, disaster preparedness, and water safety to more than 40,000 adults and children.

So far this year, the American Red Cross has responded to severe winter storms, wildfires, and flooding, among other disasters. They are currently working with their colleagues in the Japanese Red Cross to provide assistance to those affected by the earthquake, tsunami, and nuclear crisis.

I thank the Red Cross for its continued service here at home and abroad and for the difference they make in the lives of disaster victims everyday.

## JOEY QUINTANA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Joey Quintana for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Joey Quintana is a 8th grader at Bell Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Joey Quintana is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Joey Quintana for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## TRIBUTE TO LEONARD SNOW

### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. OWENS. Mr. Speaker, I rise today to honor Mr. Leonard Snow, who will turn 100 years old on September 14, 2011.

Mr. Snow was born in Au Sable Forks, New York, and has spent a lifetime giving back to his community and the nation as a whole. He enlisted in the U.S. Army and served in the Pacific Theatre of World War II, helping to defend America and its allies in armed conflict.

Upon his return, Leonard took his gift for public service back to his hometown, serving as the Director of Head Start for Essex and Clinton counties, and also working on the Au Sable School Board for almost four decades. However, Mr. Snow's greatest source of pride is his three children, Stephen, Christine and Patricia.

Mr. Snow sets a fine example for everyone in the North Country. Through a focus on education, community service and strong family bonds, we can overcome many of the challenges that face the region.

Mr. Speaker, I rise today to honor Mr. Leonard Snow for his 100th birthday later this year, and I would like to again thank him for his service to the nation and his community.

## KATHLEEN JACKSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Jackson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kathleen Jackson is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kathleen Jackson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kathleen Jackson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## MELISSA HOWLAND NAMED A MILITARY CHILD OF THE YEAR

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased earlier this month to receive a notice from Operation Homefront that Melissa Howland of Millis, Massachusetts, was named one of five recipients of the 2011 Military Child of the Year Award. Ms. Howland

and the other four winners will be presented with their awards next week, April 7, at a ceremony in Pentagon City. I regret very much that a previously scheduled engagement will have me on a plane to Massachusetts at the time of the award, but this is something of which Ms. Howland and her parents are entitled to be very proud, and I want to take the opportunity to note this here in the RECORD, both as a tribute to Ms. Howland, and as a tribute to Operation Homefront and the great work they do in reminding all of us of the continuing obligations we have in so many ways to the men and women of the U.S. Military.

Melissa Howland's father was sent to Iraq by our country in 2009, and he was in California without his family in 2007 and 2008. Ms. Howland has a blood disorder that leads to her immune system attacking the platelets in her blood, and this has required hospitalization to protect her from excessive bleeding. The dedication of the Howland family to our country and to each other is extraordinary, and I salute them and I salute Operation Homefront for this recognition of Melissa Howland and other students.

Mr. Speaker, I ask that the statement from Operation Homefront, describing the work that Melissa Howland has done and is doing, be printed here as an inspiration to others and as a chance for us to express our admiration and gratitude to the Howland family.

MILLIS STUDENT RECEIVES 2011 MILITARY CHILD OF THE YEAR® AWARD

SAN ANTONIO, TEXAS—Operation Homefront today announced the five recipients of the 2011 Military Child of the Year® Award. The Navy recipient for this award is Melissa Howland, a 17-year-old 12th grader from Millis, Massachusetts.

The winners were chosen by a committee including active duty military personnel, Family Readiness Support Assistants, teachers, military mothers, and community members. Melissa will receive $5,000 and will be flown with a parent or guardian to Washington, D.C. for a special recognition ceremony on April 7, 2011.

''The sons and daughters of America's service members learn what patriotism is at a very young age,'' said Jim Knotts, President & CEO of Operation Homefront. ''Children in military families demonstrate leadership within their families and within their communities. This is what the Military Child of the Year® Award honors.''

Every Sunday, Melissa volunteers in the local hospital's maternity ward. It's the least she could do after doctors saved her life. Melissa suffers from a blood disorder that allows her immune system to attack the platelets in her blood. Without platelets her blood cannot clot and she could quickly bleed to death. As she was treated, Melissa was hospitalized several times when experimental treatments failed to work. Her father was deployed to Iraq in 2009 and stationed, unaccompanied, in California in 2007 and 2008. Still, Melissa managed to keep up her spirit and her grades. The diagnosis meant Melissa could no longer participate in the sports she loved, basketball and running. Instead, she turned her sights to community service. In 2010, Melissa donated 498 volunteer hours to 12 causes. Today, she still has to visit the doctor, often, and monitor her disease. But she is thriving and growing every day.

## JOSLIN HOFFSCHNEIDER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Joslin Hoffschneider for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Joslin Hoffschneider is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Joslin Hoffschneider is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Joslin Hoffschneider for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## TRIBUTE TO CÉSAR E. CHÁVEZ

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. BACA. Mr. Speaker, I rise to pay a special tribute to a historical leader not only for the Hispanic community but for workers all across America.

César E. Chávez was born on March 31, 1927 near Yuma, Arizona at a time of great discrimination and injustice.

He believed that the only way to get out of the circle of poverty was to work your way up and receive an education. With his family, César—as he is called by his most ardent followers worked in the fields all throughout California.

Along the way, César attended nearly 40 schools before joining the Navy at the age of 17.

After marrying in 1948, Chávez and his wife, Helen Fabela, settled in Delano. Soon after he became involved with the Community Service Organization, run by Fred Ross, a man who worked to better the lives of Mexican Americans in the state.

Working with the organization in the 1950s, Chávez became more familiar with the plight of farm workers in southern California, and in 1962 founded the National Farm Workers Association, later to become the United Farm Workers.

As a cofounder and president of United Farm Workers, César used nonviolent tactics to bring attention to the dangerous working conditions in the fields and the plight of exploited farm workers and their right to unionize.

At the same time, he studied the teachings of Mahatma Gandhi, which led to his practice of nonviolence throughout his life.

Those beliefs meant turning to hunger strikes rather than violent means to draw attention to the plight of the farm workers.

César Chávez completed his 36-day Fast for Life on August 21, 1988. The Reverend Jesse Jackson took up where César left off, fasting on water for three days before passing on the fast to celebrities and leaders. The fast was passed to Martin Sheen, the Reverend J. Lowery, President SCLC; Edward Olmos, Emilio Estevez, Kerry Kennedy, daughter of Robert Kennedy, Peter Chacon, legislator, Julie Carmen, Danny Glover, Carly Simon, singer; and Whoopi Goldberg.

Today, on the 84th anniversary of his birthday, I stand to pay tribute to this hero who emerged from very little but left a tremendous impact on all of us decades later.

César died in his sleep on April 23, 1993 near Yuma, Arizona at the age of 66 years old. At the time, he was in Yuma helping farm workers.

This year, Interior Secretary Ken Salazar dedicated the site of the United Farm Workers Delano Field Office, known as ''Forty Acres'' as a National Historic Landmark.

On August 8, 1994, César Chávez was awarded the Medal of Freedom by President Bill Clinton. Helen Chávez, César's widow accepted the medal for her late husband, with an accompanied citation that included ''faced formidable, often violent opposition with dignity and nonviolence.''

In the words of President Clinton ''The farm workers who labored in the fields and yearned for respect and self-sufficiency pinned their hopes on this remarkable man who, with faith and discipline, soft spoken humility and amazing inner strength, led a very courageous life.''

For over ten years, I have fought for a national holiday to honor César Chávez, a man who not only carried the torch for justice and freedom, but was the beacon of hope for thousands without a voice.

The reach of his accomplishments stretches far beyond the Latino community. The battle for social justice is far from being over. But in the words of César Chávez, ''si se puede!''

During these hard economic times, let us not forget that history teaches us many things. True leaders are those who fight for those without a voice, and he was one that fought for many of those who didn't have voices.

On the anniversary of César's birthday, I encourage all Americans to remember César Chávez and honor him and his legacy.

I urge my colleagues to co-sponsor H. Res. 130, a resolution to encourage the designation of the fourth Friday of every March to be observed as ''César E. Chávez Day.''

## JUAN GONZALEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Juan Gonzalez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Juan Gonzalez is a 7th grader at Mandalay Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Juan Gonzalez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Juan Gonzalez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

SPEECH OF

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Mr. HOLT. Mr. Speaker, I rise in opposition to the so-called ''Scholarship for Opportunity and Results Act'' H.R. 471. Private school vouchers are not an effective way to improve student achievement.

I do not support private school voucher programs. Not only do these programs sometimes blur the line between church and state, but there is also little evidence that this type of reform actually helps students. In fact, I am very concerned that vouchers do nothing more than drain money out of our public school system, especially from the schools that need the most financial assistance from the federal government.

In 2004, I opposed the creation District of Columbia's private school voucher program and I have repeatedly voted against proposals to use federal funds to support voucher programs. H.R. 471 seeks to bring back to life a failed voucher program that Congress has already voted to end.

The bill before us today would spend another $100 million on a program that the evidence tells us does not work. Four separate U.S. Department of Education reports found that that the DC voucher program had no statistically significant effect on reading or math achievement. So why are we spending more today when the evidence is clear? We must not put ideology ahead of evidence. We must make decisions after weighing the evidence. If you do that, then you will oppose new funding for private school vouchers.

Further, this bill does nothing to help American students in the other 50 states. Parents, teachers, students, and school officials across New Jersey want to know what we are doing to address their needs. Why are we only talking about students in the District of Columbia?

I will continue to voice my opposition to this and other voucher programs that divert needed resources from our public schools and urge rejection of this measure.

## IN SUPPORT OF THE COLORADO HUMANITIES

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today in recognition of Colorado Humanities. The Colorado Humanities and State Humanities councils offer programs in every congressional district in this country. These programs strengthen individuals, families and communities. Councils support K–12 education, family reading programs, local heritage initiatives, veterans programs, public discussion forums, online state encyclopedias, book festivals, documentaries, lectures, library and museum exhibits, professional development and more. Without these programs many schools and small museums would go without essential educational programs.

The funding for these programs is possible through the National Endowment for the Humanities. Some have suggested the termination of the National Endowment for the Humanities. All of the participating councils stretch federal dollars by diligent fiscal management, strategic collaborations and leveraging of resources at the local level. Some of the programs including the online state encyclopedias can help generate revenue by providing an important resource for state tourism. Without federal funding councils could potentially lose the matching and in kind donations they use to double the federal funding they receive. The lack of federal support affects the future donation by private companies and donors. In 2010, the state councils used their funding to leverage $5.15 for every federal dollar awarded in grants, worked with 9,600 partner organizations and conducted programs in 5,700 communities nationwide.

The Colorado Humanities is an innovative leader, community resource and important partner for humanities programs. The Colorado Humanities is the only statewide organization exclusively dedicated to support humanities education for adults and children. They developed 57 unique programs and awarded 1504 grants in its 36-year history to support humanities education for adults and children. There are three annual community Chautauqua festivals, the Young Chautauqua history curriculum for K–12 students and the distribution of Colorado history documentaries to school and public libraries statewide. The Colorado humanities also provide schools with student writing competitions, the Colorado Book Awards, traveling exhibitions and numerous institutes for teachers.

The termination of NEA funding would impact numerous schools and museums in Colorado and the 7th Congressional District would lose multiple educational programs. Our nation's schools and museums already face budgetary cuts on the state level. Colorado Humanities demands little funding, practices diligent fiscal management and is staffed almost entirely by volunteers. The cuts proposed would eliminate an important program for all Colorado residents.

## HONORING THE MARIN INDEPENDENT JOURNAL

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the sesquicentennial of the newspaper now known as the Marin Independent Journal. The publication's predecessor was first published on March 23, 1861, as a weekly chronicle of life in our unique corner of California. Marin County has changed a great deal in the 150 years since, but the enterprising and independent spirit of our people remains, and we are privileged that the IJ has been with us to capture it.

The IJ traces its roots back to our first local newspaper, the Marin County Journal, which in 1861 served a population of only a few thousand residents. It was a time when bears and mountain lions were still hunted in Marin hills, when the recipients of Mexican land grants still ran their own properties, and when the United States was just beginning its Civil War. The local paper covered it all with a particular taste for local news, culture, and opinion. In our sparse and isolated county, the newspaper was the voice for a community. In 1948, the Marin County Journal merged with the San Rafael Independent to form the Marin County Independent Journal, the county's premier daily ever since.

The story of the IJ is in many ways the story of Marin itself. The newspaper was there to report on Marin's iconic landmarks as they were first being built, from the celebrated Point Reyes and Point Bonita Lighthouses in the 1870s to Sausalito's Casa Madrona in the 1880s, the Golden Gate Bridge in the 1930s, and Frank Lloyd Wright's Civic Center building in the 1960s. The newspaper was there to capture local reactions to the crises our county has weathered, from the great earthquake of 1906 to the Loma Prieta earthquake of 1989, from the Mt. Tamalpais fires of 1913 and 1929 to the New Year's floods of 2005.

The IJ also reminds us of how little has changed over the decades. A community defined by its independent farmers and ranchers in the 19th century has been largely urbanized, but its soul still resides in the small-scale, environmentally conscious family farming that Marin County champions today. A community that was once literally cut off from the rest of the world has become one that is now passionately engaged, but with a perspective that remains fiercely independent.

Mr. Speaker, I ask you to join me in celebrating the 150th anniversary of the Marin Independent Journal. It is an advocate for our county, a forum for our people, and a reflection of everything that has made Marin the place we treasure.

## JOSSIE FERRIS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jossie Ferris for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jossie Ferris is an 8th grader at Arvada K–8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jossie Ferris is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jossie Ferris for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING THE ATHLETIC ACHIEVEMENT OF JAMES GREEN

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of James Green. A senior wrestler at Willingboro High School, James Green won the 145-pound division of the New Jersey State Interscholastic Athletic Association (NJSIAA) Wrestling State Championship Meet on Sunday March 6, 2011 at Atlantic City's Boardwalk Hall.

James Green is the first wrestler in Willingboro High School history to win a NJSIAA Wrestling State Championship. Only 30 seconds into the championship match, James had his first take-down. He went on to have five more take-downs and a reversal in the second period, which enabled him to achieve this historic victory.

I would like to extend my congratulations to James for his tremendous hard work and discipline. I would also like to congratulate James on finishing his senior year undefeated, with a record of 29–0. James finishes his impressive high school wrestling career with a record of 146–8.

Mr. Speaker, please join me in celebrating the achievement of James Green in capturing the 2011 NJSIAA Wrestling State Championship and finishing the year undefeated. I ask you to join me in thanking James' coaches and teammates, as well as the teachers and student body of Willingboro High School, members of the Willingboro community and most especially James' family in lending their support to this incredible student-athlete. I wish James continued success in all his future endeavors.

## JORDAN NICKS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jordan Nicks for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Nicks is an 8th grader at Moore Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jordan Nicks is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jordan Nicks for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## TRIBUTE TO LIEUTENANT GENERAL WALLACE ''CHIP'' GREGSON

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and pay tribute to Lieutenant General Wallace ''Chip'' Gregson, a retired Marine, for his more than forty years of public service. He most recently served as the Assistant Secretary of Defense for Asian and Pacific Security Affairs since 2009, and will leave this post on April 1, 2011. His contributions to our military's posture in the Asia-Pacific region and leadership on a wide variety of issues will be missed by many.

Before he retired from active duty in 2005, General Gregson served as Commanding General of Marine Corps Forces Pacific and Marine Corps Forces Central Command, where he managed more than 70,000 Marines and Sailors in the Middle East, Afghanistan, East Africa, Asia, and the United States. Prior to his command of Marine Corps Forces in Japan, he was Director of Asia-Pacific Policy in the Office of the Under Secretary of Defense for Policy. He has also served as the Chief Operating Officer for the U.S. Olympics Committee.

General Gregson graduated from the U.S. Naval Academy in 1968, and received his first assignment the following year as a reconnaissance battalion officer in the Vietnam conflict. He later earned master's degrees in strategic planning from the U.S. Naval War College and international relations from Salve Regina College. He has also served as a military fellow for the Council on Foreign Relations, and was awarded an honorary doctorate in public service from the University of Maryland.

Throughout his career, the general's exemplary service earned him numerous awards and military decorations—including the Purple Heart. In his recent position with the Department of Defense, General Gregson recognized the strategic importance of Guam, indeed the entire region to our nation's economic and political security. He was a vanguard in leading efforts within the Department of Defense to address the needs of Guam so that the realignment of Marines from the III Marine Expeditionary Force from Okinawa, Japan is successful. He also immediately worked within the Department of Defense to address glaring issues with the realignment roadmap that could have been detrimental to the readiness of U.S. Marines in the Asia-Pacific region.

Further, General Gregson was instrumental in the development of the ''Green Guam'' concept which aims to conduct the realignment of Marines in an environmental responsible manner. Further it seeks to develop long-term economic and environmental sustainability benefits from this action. I also appreciated his efforts to provide a responsible framework in the most recent Quadrennial Defense Review to address broader training issues for all servicemen and women in the Pacific. I look forward to working with his predecessor and U.S. Pacific Command to continue addressing these matters.

General Gregson distinguished himself as an exceptional leader during his career in the Marines and as an Assistant Secretary of Defense. His commitment and dedication will be remembered for many years to come. I trust my fellow members of the House will join me in wishing the very best to the good general, his wife Cindy, and their two sons, on their future endeavors.

## TRINITY OXFORD CHURCH IN NORTHEAST PHILADELPHIA, PA CELEBRATING ITS 300TH ANNIVERSARY YEAR

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. SCHWARTZ. Mr. Speaker, I rise today to honor and celebrate the momentous 300th anniversary of the Trinity Church Oxford, one of the oldest churches in the United States, constructed in 1711 in what is now the Lawncrest neighborhood of Northeast Philadelphia.

The church's congregation pre-dates the building. A marble stone in the west wall of Church states that Church of England services were first held on the site in 1698 in a log meeting house that belonged to the Oxford Society of Friends. The Church still has in its possession the original land conveyance deed dated January 30, 1700. Queen Anne of England presented a solid silver communion chalice to the Church in 1713.

While small in physical dimensions, Trinity Church Oxford carries a rich history of rectors related to some of the most beloved people and institutions in our local and national history, including:

Rev. Aneas Ross (rector 1742–1758), the father-in-law of Betsy Ross and the brother of George Ross, signer of the Declaration of Independence.

Rev. Dr. William Smith (rector 1766–1779, 1791–1798), who helped found the University of Pennsylvania

Rev. John Hobart (rector 1798–1801), who became bishop of New York in the new Protestant Episcopal Church formed after Independence and founded Hobart College.

Rev. Edward Buchanan (rector 1854–1882) who was the brother of President James Buchanan. The church school is named in his honor.

Frank Furness, acclaimed American architect who designed additions to the church in the mid-19th Century, decorated with Tiffany windows and elaborate woodwork.

At first tied to the Church to England, after independence Trinity's rectors helped to organize the Diocese of Pennsylvania of the new Protestant Episcopal Church and the church was admitted to its Convention in 1786.

As our nation grew and became more industrialized, Trinity Church Oxford welcomed industrialists and working class families to its congregation. A neighborhood that began as farmland and homes for gentry developed into a residential community for working people. With a parish house added in 1928 and a community center in 1962, Trinity Church Oxford holds true to its religious precepts of service, today housing a childcare center and hosting the Philadelphia Police Athletic League.

Mr. Speaker, I ask that my colleagues join me in celebrating the generation of rectors

and parishioners of Trinity Church Oxford who have dedicated themselves to sustaining their spiritual home and ensuring its contribution to history and community.

## A TRIBUTE TO THE WILLIAMSBURG PASSOVER FOOD DISTRIBUTION

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to recognize an important event occurring in my hometown of Brooklyn, New York on April 10, 2011. The United Jewish Organizations of Williamsburg in conjunction with the Metropolitan Council on Jewish Poverty will be holding their annual Passover Food Distribution for poor Williamsburg families.

For families in need, Passover is one of the most difficult times to get by. Special Kosher for Passover food must be bought and there must be enough of it for all the holiday meals. Many poor Williamsburg families, most of whom have large households, would not be able to have a festive and joyous Passover without the UJO–Met Council Passover food distribution. Thousands and thousands of pounds of fruits, vegetables, chicken and grape juice are distributed to about 3000 families.

I also would like to note the assistance of Health Plus for their support of this special distribution and recognize in particular their CEO Tom Early, Director of Communications Kathryn Soman and Senior Community Relations Coordinator Jonathan Zalisky for their tireless efforts to make the distribution a success for the Brooklyn families that depend on it.

Mr. Speaker, I urge my colleagues to join me in recognizing the annual Williamsburg Passover Food Distribution.

## HONORING ASSISTANT DEAN FOR PRO BONO AND PUBLIC INTEREST PROGRAMS, EVE BISKIND KLOTHEN

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Eve Biskind Klothen for her outstanding accomplishments as Assistant Dean for Pro Bono and Public Interest Programs at Rutgers School of Law—Camden.

Dean Klothen was honored by Philadelphia VIP for her contributions to the non-profit legal community on March 9, 2011. Philadelphia VIP is a regional legal organization that provides free legal services to low income clients by recruiting and training volunteer lawyers to handle pro bono cases.

Dean Klothen earned her undergraduate degree from the University of Michigan and her J.D. from the Vanderbilt University School of Law. Prior to joining the staff of Rutgers, she worked in legal services in Georgia and as a federal agency fraud litigator in Washington, D.C. Dean Klothen also served as the founding director of Philadelphia Volunteers for the Indigent and as director of the Philadelphia Bar Foundation.

Since 2002, Dean Klothen has advanced and expanded the portfolio of pro bono and public interest programs at the Rutgers School of Law—Camden. Under her tenure, Rutgers—Camden law students and recent graduates have earned national accolades for their work in public interest law, including fellowships from Equal Justice Works, the Independence Foundation, and the Congressional Hispanic Caucus Institute.

Her other professional activities include appointments to the Federal Judicial Nominating Commission for the Eastern District of Pennsylvania and the Civil Justice Advisory Committee for the Eastern District of Pennsylvania United States District Court. Dean Klothen is also a member, and served a year as chair of the University of Pennsylvania Law School Public Service Advisory Committee. She also serves on the boards of City Year Greater Philadelphia and MAZON: a Jewish Response to Hunger.

Dean Klothen's tireless efforts on behalf of the greater Philadelphia community have not gone unrecognized. Among the variety of awards she has been presented with are the Father Robert Drinan Award for Outstanding Public Service by the AALS; the Pro Bono Coordinator of the Year Award by the National Association of Pro Bono Coordinators, the Equal Justice Award by Community Legal Services in Philadelphia, the Outstanding Service Award by the Pennsylvania Bar Association, and the Excellence Award by Pennsylvania Legal Services.

Mr. Speaker, I am proud to honor Eve Biskind Klothen and thank her for her pro bono and public service accomplishments on behalf of the greater Philadelphia community.

## IN RECOGNITION OF THE ANNUAL GREATER CLEVELAND BENCH-BAR MEMORIAL PROGRAM

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I rise to remember the judges and attorneys who served the people of Northeast Ohio who died in 2010. These men and women will be remembered on Monday April 4, 2011, by the U.S. District Court for the Northern District of Ohio and the Cleveland Metropolitan Bar Association at the Annual Greater Cleveland Bench-Bar Memorial Program at the Howard Metzenbaum U.S. Courthouse in Cleveland.

Ours is a "government of laws, not of men." This is a quote from John Adams and a concept that goes back to ancient Greece and is the root of our democratic principles. But the laws are not mere words on paper or the brick and mortar of which our courthouses are built. The law is made alive by the men and women who practice it every day in our municipal, state and federal courts. Through their professionalism, knowledge, and passion for the institutions of our democracy, they ensure that the people are given the full opportunity for the just resolution of their cases and controversies. We remember those professionals who, until their passing in 2010, gave life to the democratic principles or our great legal institutions.

We remember the Honorable Ann Aldrich, Frank D. Aquila, the Honorable Sam H. Bell, the Honorable Frank D. Celebrezze, James P. Conway, John R. Crombie, James H. Dempsey, Jr., Charles M. Driggs, Donald W. Farley, Stanley M. Fisher, Martin F. Franey, David R. Fullmer, Judd H. Gross, Irwin S. Haiman, J. Richard Hamilton, J. Bruce Hunsicker, Denise A. Jackson, Aaron Jacobson, Richard Leukart, James T. Lynn, Stanley B. Kent, Kenneth W. Kleinman, William I. Kohn, the Honorable Alvin I. Krenzler, George W. Lutjen, Howard A. Marken, the Honorable Thomas J. Moyer, the Honorable August Pryatel, Richard C. Renkert, Mark J. Savage, John E. Schoonover, Kenneth F. Seminatore, John E. Smeltz, Terry Ronald Smith, Marvin Sorin, Phillip P. Taylor, Stanley Tolliver, Michael R. Tucker, Nicholas Valentino, John R. Vintilla, Edmond A. Wigley, Allan J. Zambie, Robert I. Zashin, and the Honorable Joseph A. Zingales.

Mr. Speaker and honored colleagues, let us remember the great men and women of the law who left our physical world last year but also left their legacy of principle and passion for the law alive in our hands. Let us hope that today's attorneys and judges follow in their footsteps so that all of the people continue to share in the great institution of the law which makes our democracy great.

## STATEMENT TO CONGRATULATE MAERSK ON THE FIVE YEAR ANNIVERSARY OF THEIR SWITCH TO LOW-SULFUR FUEL

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. RICHARDSON. Mr. Speaker, today marks the five year anniversary of Maersk Line's voluntary switch to low-sulfur Marine Gas Oil for the main and auxiliary engines for their 188 ships docked in California ports. As a representative of the 37th District of California, home to the largest port complex in the country, I applaud them and thank them for being an example of corporate responsibility to the citizens of the world.

Maersk Line is the largest container shipment company in the world. Founded in 1904, Maersk operates over 550 vessels and employs 24,500 people in 125 countries across the globe.

This voluntary action increased costs for the company by $20 million, but the 60,000 barrels of low-sulfur fuel that they used have lead to short and long-term health benefits for the people of my District and throughout Southern California. In the past five years, this switch has reduced their ship's contribution to air pollution by 3700 tons through lowering their Sulfur-Dioxide levels by 95%, their Nitrogen Oxide levels by 6%, and their Particle Matter levels by 86%.

I would like to thank Maersk again for making this incredible change and look forward to seeing what they accomplish in the future.

## IN HONOR OF VERA HALL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Vera Hall on the occasion of her 90th birthday. Vera is an exceptional individual and a longtime citizen-activist.

Vera was born and raised on a farm in Austinburg, Ohio. From an early age, she was interested not only in organic gardening, but also in politics and the arts; she especially enjoys attending performances of the Cleveland Orchestra. She graduated from Austinburg High School in 1939 and went on to attend The Ohio State University for two years, before U.S. involvement in World War I granted her the opportunity to go to radio school. She worked as a radio operator for 18 years. She also worked as a teletype operator in the airline industry, and eventually became a supervisor. She was actively involved in the Communication Workers of America, and served as its treasurer.

Vera has also actively fought for social justice issues for many years. During the Vietnam War, she joined Women Speak Out for Peace and Justice, and served as their treasurer for 25 years. Her peace activism continues to this day; every weekend, she goes to the West Side Market to demonstrate against war. She is also active in the Single-Payer Action Network, the Western Reserve Alliance, Women for Racial and Economic Equality, United Farm Workers, and the Cleveland Indoor Garden Society. Vera is a proud single mother, a lover of music and the arts, and an avid traveler.

Mr. Speaker and Colleagues, please join me in honor of Vera Hall on her 90th Birthday. I extend my warm wishes to her on this special day.

## HONORING THE CONGRESSIONAL BLACK CAUCUS

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the 40th Anniversary of the Congressional Black Caucus.

What began forty years ago as a formation of 13 Members who set out to fight racial injustice has now grown nearly 3 times with 43 Members of the Congressional Black Caucus. The Caucus is a stalwart political force within the United States Congress. It is unfortunate that we yet remain in the struggle for the fight for social, educational, economic/financial, and health equality.

As an active member of the Caucus for nearly 2 decades, it is a pleasure to work among those who are the voice for our most vulnerable populations. Our Congressional Districts know no boundaries and for many of us, we are the Congressional Representatives for minorities who, otherwise, would not have representation on issues of importance to them and their families. It is no secret that what gives soul to these United States is our unique ability to seamlessly blend many cultures into one; and we do so respectfully. However, there are miles to go. Until we get there, we will continue to fight for the least among us on critical issues that impact minority communities.

Four decades as the conscience of the Congress was and still remains the reason we have stood the test of time. It is an honor to serve.

## HONORING GARY MILLER OF ANNANDALE, MINNESOTA ON HIS RETIREMENT AS SHERIFF OF WRIGHT COUNTY

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mrs. BACHMANN. Mr. Speaker, I rise today to honor and thank Sheriff Gary Miller of Annandale for more than 30 years of service in law enforcement to Wright County, Minnesota. From his beginnings as a part time deputy in 1975, to his ten years as Sheriff of one of the largest law enforcement agencies in Minnesota, Sheriff Miller was a dedicated public servant whose contributions to his department and to Wright County cannot be measured.

While Wright County was growing rapidly, the Sheriff's department grew along with it, and Gary spent time in nearly every role as he rose through the ranks. The deputies under his leadership respected both him and his servant attitude. Sheriff Miller made a point to be a positive presence for the citizens he served and he was a familiar face in every city of Wright County.

During his term as Sheriff, Gary addressed a devastating growth in methamphetamine use helping to bring the number of methamphetamine labs in the county down to a near zero. Sheriff Miller also was known for his good fiscal management of the department, especially in recent years when the economy required lean management. One step towards this involved combining efforts with two other counties to create a state-of-the-art forensics lab that allows for quick and efficient processing of forensic evidence. In 2009, Sheriff Miller opened up a new law enforcement center and jail, a process that started only a year before he was first elected to Sheriff. That sense of completion is what led him to think about retirement, and his time as the county's highest law officer came to an end on January 3rd, 2011.

Like many counties across our Nation, the Sheriff's office in Wright County stands for justice and peace and we are grateful for all that they do to protect our families and neighborhoods. I ask this body, along with the Speaker of the House, to join with me in thanking Sheriff Gary Miller for his dedication to the Sheriff's department and to Wright County, Minnesota.

## IN RECOGNITION OF CARL D. GLICKMAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I am pleased to recognize the achievements of philanthropist and civil leader Carl D. Glickman who will be receiving Notre Dame College's highest honor, the 2011 Notre Dame College Medal on Saturday April 2. The medal is awarded to an alumnus, friend of the College, or civic leader in the Greater Cleveland community who exemplifies the values of Notre Dame College by demonstrating personal, professional, and global responsibility through their community service.

Glickman and his late wife Barbara have donated millions of dollars to scholarship funds and healthcare institutions. Recently, the Cleveland Clinic Foundation opened the Glickman Urological Institute, named for Carl and Barbara Glickman. Together with fellow Notre Dame College Medal recipient Samuel H. Miller, Glickman founded and contributed millions of dollars to the Cleveland State University Moses Cleaveland Scholarship Fund. He has also donated generously to Cleveland Central Catholic High School and the Diocese of Cleveland.

Carl Glickman has been president of The Glickman Organization, a real estate development and management firm, since 1953. He was formerly the Director of the Cleveland Port Authority. In the 1960s, Glickman served the City of Cleveland as a member of the Mayor's Committee on Urban Renewal and the Mayor's Task Force on Higher Education. Over the years, has served as chairman of several banks and medical facilities and on many boards in the Greater Cleveland community. Currently, he serves as trustee emeritus for the real estate investment firm Lexington Realty Trust and is on the board of directors of Bear Stearns Companies and John Carroll University.

Dr. Andrew P. Roth, president of Notre Dame College recently said that Glickman's ''generosity to the health, welfare and education of all citizens of Cleveland deserves our utmost respect. He embodies the values of Notre Dame College and its founding Sisters by demonstrating relentless dedication to the community. We are honored to present the Notre Dame College Medal to this great benefactor of our city.''

Mr. Speaker and colleagues, it is my privilege to bring to your attention this recognition to one of Northeast Ohio's great citizens, Carl Glickman, as he receives this high honor from Notre Dame College.

## CONGRATULATING THE STERLING HEIGHTS REGIONAL CHAMBER OF COMMERCE AND INDUSTRY ON THEIR 50TH ANNIVERSARY

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. LEVIN. Mr. Speaker, I rise today to congratulate the Sterling Heights Regional Chamber of Commerce & Industry in recognition of their 50th anniversary.

Beginning in 1961 as a small, localized Chamber, the Sterling Heights Regional Chamber of Commerce & Industry has grown over the last 50 years to become a leading business organization in Macomb County with more than 1,600 members and sixth-largest in the State of Michigan.

The organization started out as the ''Greater Utica Chamber of Commerce,'' becoming the

"Shelby-Utica-Sterling Chamber of Commerce" in 1967, and in 1972 the "Utica Area Chamber of Commerce," 1977 "Northwest Macomb Chamber of Commerce," 1986 "Sterling Heights Area Chamber of Commerce," and in 2009 the "Sterling Heights Regional Chamber of Commerce & Industry." The Chamber's "Heritage Communities" of Sterling Heights, Utica, and Shelby Twp. are still home to almost 50 percent of the Chamber's membership, and the Chamber now has members in every Macomb County community.

As a testament to the Chamber's ability to evolve and strengthen with time, in 2010 they partnered with the Anchor Bay Area Chamber of Commerce and formed a collaborative relationship that capitalizes on the strengths of both Chambers.

The Chamber's mission over the last 50 years has been simple: To bring features, benefits and value to their members, and each and every day strive to bring a Return on Investment (ROI) to their members, and to make their Chamber the best business organization possible.

I have witnessed firsthand the success the Chamber has with accomplishing this goal. As we have all worked together to move Macomb County forward, the Chamber has been on the forefront working with multiple partners across the community toward common goals for the betterment of the businesses, communities and residents they serve.

In addition, I came to personally know longtime former Executive Director Lil Adams whom I was pleased to work with on a number of vital local transportation projects, and current President Wayne Oehmke. Each has provided the Chamber with active, dedicated leadership in the promotion of its mission.

Mr. Speaker, I ask my colleagues to join me in recognizing the Sterling Heights Regional Chamber of Commerce & Industry in recognition of their 50th anniversary and wishing them many more years of effective service to the Macomb County business community.

## IN HONOR OF THE LAKEWOOD CHAMBER OF COMMERCE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Lakewood Chamber of Congress on the occasion of its centennial celebration. For 100 years, the Chamber of Commerce has served as a vital resource for Lakewood's business community.

In 1911, the Lakewood Chamber of Commerce was founded, consisting of a board of 17 individuals. Since then, the Chamber of Commerce has grown into a thriving organization of over 375 businesses, making it one of the largest suburban chambers of the state. The Chamber of Commerce is instrumental in helping Lakewood businesses save money, advocate for pro-business legislation at the local, state, and federal levels, and offers an opportunity for these businesses to interact and work together to promote the City of Lakewood.

Throughout the past 100 years, the Chamber of Commerce has established numerous events and accomplished numerous objectives. Some of the more noteworthy achievements include the Taste of Lakewood, the Lakewood Magazine, Light Up Lakewood, the Lakewood Home Show, and the Community Scholarship program. It is also a co-founder of LakewoodAlive, an economic development corporation whose mission is to improve the quality of life of residents by creating alliances with community leaders, leveraging community assets and expanding the pool of available resources in order to facilitate economic stability and growth in the City of Lakewood.

Mr. Speaker and colleagues, please join me in honoring the Lakewood Chamber of Commerce for its 100 years of outstanding service to the business community.

## HONORING SHIRLEY CHISHOLM

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. RANGEL. Mr. Speaker, I rise to honor the life and legacy of the Honorable Shirley Chisholm, who was the first African-American woman elected to Congress (1969–83). She served with me as part of New York's congressional delegation and as a founding member of the Congressional Black Caucus.

My dear colleague from Brooklyn was also the first African American to run for President of the United States when she declared her candidacy in 1972. Challenging all accepted practices of politics, this very junior Member of the House, an African American woman at that, by declaring for the Presidency, singlehandedly raised the profile and aspirations of all those newly empowered Blacks and women of that era.

In addition to her inspiration as a pioneer of political achievement by minorities, Chisholm was a champion for improving the quality of life in inner city communities, and a tireless advocate for protecting the rights of women and children throughout the United States.

A historic figure in American politics who broke glass ceilings and set examples for future generations of leaders, Shirley Chisholm passed away at age 80 on January 1, 2005.

I introduced legislation today to posthumously award a gold medal to my former colleague and trailblazing friend, in marking this week's 40th Anniversary of the establishment of the Congressional Black Caucus, and in commemoration of National Women's History in March.

Above all of her firsts, Shirley wanted most to be remembered as a 'woman who lived in the twentieth century and who dared to be a catalyst for change.' I believe her legacy continues to inspire all of us to work for progress, and urge my colleagues to join me in honoring the life of Shirley Chisholm.

## TRIBUTE TO BRIAN HAWLEY

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Brian Hawley is one of these individuals. On March 24, 2011, Brian was honored as the "Volunteer of the Year" at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Brian Hawley is Chairman and Chief Financial Officer of Luminex. Founded in 1994, this privately held, global, growing, and consistently profitable company develops distinctive data storage products based on proven technologies that tackle the complex challenges of storing, archiving, distributing and protecting data.

In 2002 and 2003, Luminex was named to the Deloitte Fast50 list as being one of the fastest growing technology companies in Southern California. In 2003, Luminex was one of the select few companies named to both the Inc. Magazine "Inc. 500" and Deloitte "Fast 500" as one of the 500 fastest growing companies in the United States.

Along with his co-founders, Luminex received the Spirit of the Entrepreneur award in technology, the Greater Riverside Chambers of Commerce Small Business Eagle award, the UC Riverside Bourns College of Engineering Honored Alumni Award, and was honored as a California Small Business of the Year.

Luminex has twenty-seven employees headquartered in Riverside, California and additional development offices in San Diego, California and Beaverton, Oregon.

Prior to co-founding Luminex, Brian owned and managed Computer Systems International, a consulting firm specializing in corporate business computing and software development in a variety of industries.

Brian has served on the Riverside's High Tech Task Force, is past chairman and a founding member of the Riverside Technology CEO Forum, a past chair of the Science Technology Education Partnership, and is currently Chair of the Chamber's Governmental Affairs Committee.

Brian has participated in the Chamber's annual advocacy trip to Sacramento, advocating for the best interests of the region. He was called upon by the California Chamber of Commerce to testify in support of a bill that allows employees greater flexibility in their work week.

In light of all Brian has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Brian their Volunteer of the Year. Brian's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

## IN REMEMBRANCE OF MR. CARL HIRSCH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Carl Hirsch, a leading figure in the music industry in Cleveland and throughout the country.

Born in Shaker Heights, Ohio, Mr. Hirsch demonstrated a love for radio broadcasting from an early age. He graduated from Kent State University and began working in the music industry, swiftly becoming a big name in the business.

Mr. Hirsch was known for his ability to drive radio station ratings through the roof. He was the man behind such popular stations as WMMS—The Buzzard and WMJI—Magic in the Cleveland area and WHTZ–Z100 in New Jersey. He was also instrumental in bringing the Rock and Roll Hall of Fame and Museum to Cleveland. In recognition of his vast achievements, he was inducted into the Cleveland Association of Broadcasters Hall of Fame, and received an honorary doctorate from Kent State University.

Mr. Speaker and colleagues, please rise with me in honor and remembrance of a dedicated and widely respected individual. Mr. Carl Hirsch was a legend in the radio industry, and his exuberance, generosity, and promotion of his hometown will not be forgotten. I extend my sincerest condolences to his fiancée, Cappy; his children, Lori and Scott; and to all of his friends and relatives.

## THE PRIVATE CALENDAR

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. SMITH of Texas. Mr. Speaker, my colleagues, F. JAMES SENSENBRENNER, TED POE, JERROLD NADLER, DONNA EDWARDS, JOSÉ SERRANO and I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the four House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills; first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XV, clause five, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills un-objected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with Private Bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their staff, or from the Member who introduced the bill.

The amount of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement of March 31, 2011, the members of the Private Calendar Objectors Committee have agreed that during the 112th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) legislative days, excluding the day the bill is placed on the calendar and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days. It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Texas (Mr. SMITH), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Texas (Mr. POE), the gentleman from New York (Mr. NADLER), the gentlewoman from Maryland (Ms. EDWARDS), and the gentleman from New York (Mr. SERRANO).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

## IN HONOR OF THE SISTERS OF CHARITY FOUNDATION OF CLEVELAND

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Sisters of Charity Foundation of Cleveland for their groundbreaking work to promote and improve Cleveland's Central Neighborhood.

Founded in 1996, the Sisters of Charity Foundation focuses on improving the health status and educational outcomes of Cleveland's residents and children. Beginning in 2006, the Foundation has commissioned research and held discussions, focus groups, and panels in order to determine the health and education priorities for Cleveland's Central Neighborhood. From this research, they developed their ''Five A's'' framework of funding. In order for them to fund a program, the program must be available, affordable, accessible, adequate, and residents must be aware of its existence. They have raised over $330,000 in local funding for the Central Neighborhood and are planning to create a Cleveland Central Promise Neighborhood with the help of a grant from the U.S. Department of Education.

Mr. Speaker and colleagues, please join me in recognizing and honoring the Sisters of Charity Foundation of Cleveland for their outstanding work in promoting the Central Neighborhood of Cleveland. Their recognition of the neighborhood's promise and potential, coupled with their drive to improve the situation of those living there, makes the Foundation a wonderful asset for the community.

## UNFPA AND THE DEMOCRATIC REPUBLIC OF CONGO

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mrs. MALONEY. Mr. Speaker, imagine a country where women are systematically raped, children are given guns to fight wars and most of the population struggles to live on $2 a day. This horrific almost unimaginable scenario is the reality for women and children in the Democratic Republic of Congo. This month, the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights held a very timely and important hearing on the crisis in the DRC and what America can do to help address the situation and end the violence.

The systematic and relentless sexual violence faced by women in the DRC is an unconscionable violation of human rights. In 2008, I introduced H. Res. 1227 which reaffirmed our chamber's abhoration and condemnation of rape as a weapon of war in the Congo.

The systematic rape of women in the DRC must end and this was forcefully were raised at the hearing by witnesses including Cindy McCain and Ms. Francisca Vigaud-Walsh of Catholic Relief Services. I could not agree more.

In the Congo, many international actors are working to end the violence and they need the support of the US as they work in a very difficult political environment to end the violence.

UNFPA, the United Nations Population Fund, plays a key leadership role on the ground in addressing sexual based violence in the DRC. UNFPA aids survivors of sexual violence by providing medical care, economic and social rehabilitation, and legal assistance. The Fund has trained thousands of armed forces on protection and care for survivors.

In Kasai Oriental, North and South Kivu, thanks to global support for UNFPA's efforts, over 15,000 sexual violence survivors have received medical care. In camp Kibaki, home to 200,000 displaced people, UNFPA provides kits to test for and treat sexually transmitted infections, post exposure cleansing for rape cases and clean safe delivery kits.

Moreover, UNFPA played a key advocacy role in the 2006 adoption of the DRC law on sexual violence, expanding it to include sexual harassment, forced pregnancy, forced sterilization and other brutal practices.

Yet, the House Republicans passed an appropriations bill calling for zero funding for UNFPA. This is both unconscionable and nonsensical. Why would we have a hearing to call attention to the dire situation in the DRC and how America can help and then at the same time defund one of the key international organizations addressing the needs and well being of rape survivors?

I recall back to 2008 when my colleagues in the U.S. Senate held a similar hearing in the Senate Foreign Relations Committee several Republican Senators expressed their shock and dismay in learning about the violence and in particular the incidence of traumatic fistula from rape. Why, they asked, is not more being done? These were the same Senators who had voted to defund U.S. support to UNFPA—the lead agency addressing fistula. This would be ironic if it was not so irresponsible.

My Republican colleagues raised the same tired and discredited arguments about UNFPA's country program in China earlier this month. UNFPA is clearly and firmly on the record in opposition to the heinous "one-child policy" and continue to promote changes in China to a human-rights-based and voluntary approach to family planning. It is UNFPA who has raised the issue about the dramatic gender disparity and societal imbalance that results from sex-selection abortion and how critical it is to end this practice and promote the well being of girls. Indeed, what UNFPA's small human rights based program in China is doing are exactly the kind of pressure my Republican colleagues claim they want to see happen in there. Moreover, we have a longstanding agreement on language that ensures that in our contribution to UNFPA, no U.S. funds are spent in China, no U.S. funds are spent on abortion services and all U.S. funds are kept in a segregated account to be able to track these things. We are the only one of UNFPA's 180 donors who put restrictions on our contribution.

In the coming weeks as decisions are made on the final budget, it is imperative that the United States continues its financial and moral support for the life-saving work of UNFPA. The women in the Democratic Republic of Congo and everywhere else where UNFPA works are counting on us.

## iNTRODUCTION OF THE DISTRICT OF COLUMBIA MEDICAID REIMBURSEMENT ACT OF 2011

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. NORTON. Mr. Speaker, I introduce the District of Columbia Medicaid Reimbursement Act of 2011 today to increase the Federal Government's reimbursement for a portion of the District of Columbia's Medicaid costs because the District is the only city, except for New York City, that pays any portion of Medicaid, an expense that is carried by the Federal Government and States. New York City, the jurisdiction that powers the economy of New York State, contributes a 25 percent share for Medicaid costs, while the state pays 25 percent, less than the District's federally mandated 30 percent contribution. The District's continuing responsibility for the share of Medicaid costs that are borne by entire states is a major component of the District's structural deficit and a threat to the financial stability of the city itself, according to the District's chief financial officer. Today, considering high unemployment in the District and the expansion of Medicaid eligibility under the new health care reform law, effective 2014, now is the time to make the District's Medicaid burden more equitable.

Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act), Congress recognized that state costs are too high for any city to shoulder. To address this unfairness in the District, the Revitalization Act transferred certain state responsibilities from the District to the Federal Government, including prisons and courts, and the Act increased the Federal Medicaid reimbursement to the District from 50 to 70 percent, partially relieving this burden. The city continues to carry many state costs, however.

In 1997, a formula error in the Medicaid Disproportionate Share Hospital allotment reduced the 70 percent Federal Medical Assistance Percentage (FMAP) share, and as a result, the District received only $23 million instead of the $49 million it was due. I was able to secure a technical correction in the Balanced Budget Act of 1999, partially increasing the annual allotment to $32 million from fiscal year 2000 forward. I appreciate that in 2005, Congress responded to my effort to get an additional annual increase of $20 million in the budget reconciliation bill, bringing D.C.'s Medicaid reimbursements to $57 million as intended by the Revitalization Act.

However, this amount did not reimburse the District for the years the federal error denied the city part of its federal contribution, and in any case, of course, was not intended to eliminate the District's structural deficit, which this bill partially addresses.

The bill is the eighth in my "Free and Equal D.C." series. The series of bills addresses inappropriate and often unequal restrictions placed only on the District and no other U.S. jurisdiction.

I urge my colleagues to join me in supporting the bill.

## IN RECOGNITION OF GUNNERY SERGEANT DARWIN LEAVELL

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. HUNTER. Mr. Speaker, today I recognize and pay tribute to Gunnery Sergeant Darwin Leavell, United States Marine Corps, on the occasion of his transfer from the House liaison office. I, and many other members of this chamber, have had the pleasure of working with Gunnery Sergeant Darwin Leavell over the past two and a half years during his service with Headquarters U.S. Marine Corps Office of Legislative Affairs and as the Congressional Liaison Staff Non-Commissioned Officer of the U.S.M.C. Liaison Office in the House of Representatives.

Gunnery Sergeant Leavell distinguished himself through exceptional meritorious service while serving as the Staff Non-Commissioned Officer of Legislative Affairs. Every day he served in direct support of not only the Marine Corps Office of Legislative Affairs but in direct support of every member of Congress, every Marine and every American. His keen abilities in organization, interpersonal relationships, and communication were extremely critical to the successful accomplishment of the Marine Corps Office of Legislative Affairs' mission. His achievements and ability to get the job done have always been effective and noteworthy.

During his time in the Liaison office, Gunnery Sergeant Leavell was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the nation's most elite fighting force, ensuring their success on the battlefield. He routinely turned broad guidance into action which energized the Office of Legislative Affairs and members of Congress alike. His actions allowed the Marine Corps to engage members of Congress and their staffs, directly facilitating the increased emphasis on improving Congressional relationships.

While leading the House Liaison Office through the extraordinary challenges associated with Operation Enduring Freedom, Operation Iraqi Freedom and the ongoing Global War on Terror, he concurrently ensured that a myriad of daily Congressional communications, assignments and events were executed flawlessly. During Gunnery Sergeant Leavell's tour as the Legislative Affairs Staff Non-Commissioned Officer, he accomplished the full spectrum of the Marine Corps' legislative mission. He exemplified the candor and knowledge that we have come to expect from the Marine Corps and he played a key role in maintaining superb relationships between the Marine Corps and the House of Representatives.

Throughout his time here in the House, Gunnery Sergeant Leavell effectively responded to several thousand congressional inquiries, many of which gained national level attention. Gunnery Sergeant Leavell successfully planned, coordinated and escorted over 50 international and domestic Congressional and Staff Delegations. His detailed coordination with foreign government officials, U.S. State Department, and senior military officials ensured that each delegation was conducted professionally. His attention to detail and anticipation of requirements allowed Representatives to focus on fact-finding and gleaning new insights that informed critical decisions to support the people of the United States. He has made lasting contributions to the House of Representatives. I am proud to have had the opportunity to work with Gunnery Sergeant Leavell and I thank him for his devoted service to this great nation.

## TRIBUTE TO DEBBI HUFFMAN GUTHRIE

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Debbi Guthrie is one of these individuals. On March 24, 2011, Debbi will be honored as the ''Citizen of the Year'' at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Debbi Huffman Guthrie is retired from her 27 year career as the third-generation owner of a roofing company established by her grandfather in 1921. Since 1993, Debbi has served as a Director with Provident Bank, a publicly-traded, community bank established in Riverside in 1957. Debbi is the current and former member of numerous organizations including: member, Riverside Community College District Capital Campaign Executive Committee; Chair, Riverside Aquatics Complex Fundraising Committee; Chair, Greater Riverside Chambers of Commerce Inaugural Ball Committee; Chair, ATHENA of the Inland Valleys Committee; Member, Board of Directors—Greater Riverside Chambers of Commerce; Member, Riverside Sport Hall of Fame Induction Celebration Committee; Trustee, University of California Riverside Foundation; Chair, University of California Riverside A. Gary Anderson Graduate School of Management Dean's Leadership Council; Chairwoman, Greater Riverside Chambers of Commerce; Chair, Governmental Affairs Committee and Leadership Riverside Program, Greater Riverside Chambers of Commerce; President and Member, Kiwanis Club of Riverside; President, Riverside Community College District Foundation; State Director, ATHENA Foundation; March Air Force Base Military Affairs Committee (Honorary Commander's Program); Inland Empire Council Boy Scouts of America, Distinguished Citizens Committee; and Junior League of Riverside.

Debbi is the recipient of many awards including: the 2010 Riverside YWCA Irene Bonnett Volunteer of the Year; the 2010 Riverside Downtown Partnership Roy Hord ''Volunteer of the Year;'' the 2003 Association of Agency Executives, Spirit of the Non-Profit Award; the 2003 Gold Key Award, Soroptimist Club; the 2001 Boy Scouts of America Distinguished Citizen Award; the Riverside Community College Inaugural Community Service Award; the 2001 Kiwanis International George Hixson Fellowship Award; the 2001 President's Award, Greater Riverside Chambers of Commerce; the 2000 Management Leader of the Year, Private Sector, UC Riverside A. Gary Anderson Graduate School of Management; and the 1999–2000 Volunteer of the Year, Greater Riverside Chambers of Commerce.

In addition to her continued involvement with Provident Bank and her volunteer commitments in Riverside, Debbi now lives part-time in southern Utah where she takes pride in working with her husband to manage their 1300 acre ranch. She enjoys being with her family, horseback riding, house-boating on Lake Powell, hikes in Zion National Park and international travel with friends. Debbi is a native of Riverside and attended Ramona High School and California State University, San Bernardino. Debbi and her husband, Jim, have four adult daughters and four grandchildren.

In light of all Debbi has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Debbi their Citizen of the Year. Debbi's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives this prestigious award.

## HONORING COBORN'S INCORPORATED OF ST. CLOUD, MINNESOTA, UPON BEING NAMED GROCERY HEADQUARTERS MAGAZINE INDEPENDENT RETAILER OF THE YEAR

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mrs. BACHMANN. Mr. Speaker, I rise today to congratulate Chief Executive Officer Chris Coborn and all the employees of Coborn's Incorporated upon being named the Independent Retailer of the Year by Grocery Headquarters magazine. Based in St. Cloud, Minnesota, Coborn's has become a fixture in communities across Minnesota and the upper Midwest.

A uniquely American story, Chris is a fourth generation Coborn in a business that always puts family first. The work ethic and drive that led Chester Coborn to open a one-man market in 1921 still influence the decisions that are made today, and innovation has made Coborn's a leader in store development, club opportunities and consumer marketing.

Though he runs a range of businesses from a grocery distribution center to the bakery for each store, Chris never sacrifices quality. His retail stores—Coborn's, Cash Wise, and Save-A-Lot—are known for their emphasis on service to the customers that are considered family. The contributions this company gives back to the communities in which they operate are marked by service and giving. In 2010, $2.3 million dollars was donated to the Boys and Girls Clubs, YMCA, Big Brothers Big Sisters, and Boy Scouts and Girls Scouts. Donations were also designated toward high school scholarships and higher learning at St. Cloud State University, St. Cloud Technical College, St. John's University, and the College of St. Benedict.

Additionally, matching employee contributions to the United Way and fundraising opportunities for local groups create a true sense of community among more than 6,000 employee/owners who also participate in an employee stock ownership program. These are just additional ways that Coborn's Inc. treats its employees like family.

Mr. Speaker, Coborn's Inc. is a business that emulates family principles, hard work and service at every level. I ask that this body join with me in recognizing the accomplishments and contributions of Coborn's Inc. as they are named the Independent Retailer of 2011 by Grocery Headquarters Magazine.

## HONORING THE 2011 WILLINGBORO HIGH SCHOOL BOYS WINTER TRACK TEAM

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of the Willingboro High School Boys Winter Track Team. On February 2, 2011 the Willingboro Chimeras captured the New Jersey State Interscholastic Athletic Association (NJSIAA) Central Jersey Sectional

Group II Championship Title. After winning the Sectional Group II Championship with 61 points, the Willingboro Chimeras went on to place third in the New Jersey State Group II Championship Meet.

During the 2011 Sectional Championship Meet, Chimeras' runner, Darius Holmes, won both the 55 Meter Hurdles and 400 Meter Races. Holmes also anchored the 1,600 Meter Relay Race alongside teammates Matt Dash, Daquan Watson and Isaac Williams. Rounding out the first place finishes for the Willingboro Chimeras was Isaac Williams in the high jump competition and Traven Mable in the shot put competition.

I would also like to congratulate Darius Holmes. He won the NJSIAA State Group II 400 Meter Race during Willingboro's impressive third place finish at the state championship meet. This is Willingboro's first state championship title since 2004.

Mr. Speaker, please join me in celebrating the achievement of the Willingboro High School Boys Winter Track Team in seizing the 2011 NJSIAA Central Jersey Sectional Group II Championship Title.

I ask you to join me in thanking the coaches, teachers and student body of Willingboro High School, as well as the parents and local community, who all made this victory a reality. I wish the Willingboro Chimeras continued success in next year's winter track season.

## REDUCING REGULATORY BURDENS ACT OF 2011

SPEECH OF

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to this legislation. Pesticide pollution in our waterways impairs fish habitats, threatens drinking water, and creates dead zones in our oceans. In its most recent ''National Water Quality Inventory; Report to Congress,'' the Environmental Protection Agency (EPA) determined that pesticides are the sixth leading cause of water quality impairment in estuaries. In Oregon, according to the EPA, 19 of our water bodies are considered pesticide-impaired. If ingested in drinking water at high levels, pesticides can cause a range of health problems from cancer to birth defects to kidney and liver damage to nervous system effects.

This legislation would overturn a recent court decision requiring EPA to issue Clean Water Act permits for certain pesticide discharges. It doesn't make sense to take away these tools from the EPA without replacing them with something better. The EPA has struggled to address agricultural run-off and other non-point source pollution under the Clean Water Act, and these sources will continue to be exempt from permitting requirements. But point source discharges of pesticides that leave a residue in waterways, which is the subject of this legislation, is something that the EPA can address and has now been compelled to address by a Federal appeals court. While the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires registration of pesticides and evaluation of their impact on human health and the environment, it does not involve a performance standard for specific bodies of water. In areas where pesticides have impaired water quality, I believe it makes sense to provide the EPA with tools to address that impairment.

I have heard a number of concerns from the agricultural community in my district about the specific standards being applied here as well as the increased burden of filling out paperwork. I look forward to working with stakeholders in my district to ensure the new requirements are not unreasonably burdensome. I would also support additional resources from the Federal Government to help counties, municipalities, public utilities, water districts, farmers, ranchers, and forest managers deal with any additional costs association with the permit requirements.

## TRIBUTE TO ROBERT OTIS ''BOB'' PRICE

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. McCARTHY of California. Mr. Speaker, I rise today to honor Robert Otis ''Bob'' Price, a dedicated community leader and friend who passed away on Wednesday, February 9, 2011, at the age of 79. Bob was a family man committed to public service who always looked to give back to our community, our State, and our Nation.

Bob was born in Abilene, Kansas on January 4, 1932 and moved with his family to San Luis Obispo in 1937. The Price family eventually moved to Bakersfield in 1947 where he graduated from Kern County Union High School (now Bakersfield High School) in 1949. In 1952, Bob was drafted by the U.S. Army and became a Mess Sergeant in the 5th Army.

After being honorably discharged from active duty, Bob returned to Bakersfield. His career at the Bakersfield Police Department soon began after a police sergeant from church suggested that he apply. This recommendation set up his successful 32-year career with the Department. Bob spent his first 30 days in ''rookie school,'' as it was called, and was quickly promoted to ''motor cop.'' According to his family, Bob loved being a motorcycle cop and according to him he ''had a motor in (his) garage when (he) made Chief of Police.'' Bob rose through the ranks having made Sergeant in 1964, Lieutenant in 1966, Captain in 1970, and eventually Chief of Police in 1973. He retired in 1988 after 15 years as chief.

He was elected Mayor of the City of Bakersfield in 1992 and he spent eight successful years in office before his second term ended in 2001. Bob worked to help Bakersfield continue to prosper during this time by working on projects like the Centennial Garden arena, the downtown streetscape, and the restoration of the Fox Theatre.

During the final years of his life, Bob still worked to help his community. Bob helped me by serving as district coordinator in my California State Assembly office when I was first elected. Then in 2009, Bob saw that the Bakersfield Police Department was overcrowded because the department was understaffed and, as was always his way, Bob found a solution. He started a program to bring in retired police department staff to help with all of the paperwork.

Bob loyally served his community in a distinguished career. He was a strong, genuine, straight talking leader and he will be dearly missed. Additionally, he will always be remembered as a dedicated husband, father, and grandfather. Bob and his first wife Dorothy, who had a long battle with cancer, had two sons Fred and Donald.

Bob is survived by his wife, Sandi and his son, Fred, his grandchildren, Erin and Robert, and Sandi's daughter Kim and her husband Jim, and their children Audrey, Robert, and Lauren. His life was devoted to serving his community. He will be remembered as a man of deep faith, a strong leader, and a role model who remains respected by many.

## TRIBUTE TO SENIOR AIRMAN MICHAEL J. HINKLE II

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, we rise to pay tribute to a hero from my congressional district, Senior Airman Michael J. Hinkle II. Today we ask that the House of Representatives honor and remember this incredible young man who died while serving our country.

Hinkle grew up in my hometown, Corona, California, with his father Michael Hinkle Senior and stepmother Cynna Hinkle. He spent summers in Michigan with his mother and stepfather, Robert Jakowinicz.

Senior Airman Hinkle followed in his father's footsteps joined the Air Force in December of 2005 and his first overseas post was in Okinawa. In 2008, Hinkle reenlisted with the Air Force and was stationed at Ellsworth Air Force Base, SD, in November of 2008. Airman Hinkle deployed to the 386th ECS from the 28th Communications Squadron at Ellsworth in November. At a memorial service held by the members of the 386th Air Expeditionary Wing for a fallen Marauder on March 19, Hinkle's fellow service members paid tribute to his constant smile and easy going attitude. Major James Hewitt, 386th ECS commander, stated:

''Even though Mike's life was short, it was full of accomplishments and honor. Mike joined (the Air Force) and immediately headed off to become a cyber transport systems journeyman. There could not have been a better career field for Mike to join. Mike loved computers, networking and gaming. He loved being a COMM geek.

Airman Hinkle's fellow Airmen fondly remembered him for his positive attitude; Hinkle was known for stepping up to the plate and helping out whenever he was needed. Airman Hinkle accomplished so much during his short time and he will be dearly missed by his unit and all who knew him. He was buried in Michigan earlier this week. Airman Hinkle was 24 years old. He is survived by his father, mother, stepfather, stepmother, five stepsiblings and a brother.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Senior Airman Hinkle, who bravely chose an honorable life of

military service. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Hinkle family learned of the death of their son and brother was probably the hardest day they have ever faced and our thoughts, prayers and deepest gratitude go out to the family and friends of Airman Hinkle. There are no words that can relieve their pain and what words we can offer only begin to convey our deep respect and highest appreciation.

Senior Airman Hinkle's family have all given a part of themselves in the loss of their loved one and we hope they know that his service and the goodness he brought to this world will never be forgotten.

## INTRODUCTION OF SENSE OF CONGRESS THAT FEDERAL GOVERNMENT SHOULD TAKE STEPS TO COUNTER ANTI-MUSLIM SENTIMENT

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CONYERS. Mr. Speaker, I am pleased to introduce this resolution expressing the sense of Congress that the federal government should take steps to counter anti-Muslim sentiment, along with additional cosponsors. Over the last decade, the American Muslim community has confronted a festering level of suspicion which has manifested itself in hostile government policies and bias from the general public. A CBS/New York Times poll released in mid-September showed that as many as 20 percent of Americans said they have negative feelings toward Muslims because of the September 11th terrorist attacks. While Congress has confronted some of the more violent manifestations of this bias, the general climate faced by the community has continued to create barriers to full participation in public life that should be addressed by official government policy.

As a member who represents a district with on of the greatest concentrations of American Muslims in the nation, I believe that this sense of Congress is a logical step toward sending the message that this group of proud citizens should be able to enjoy the rights guaranteed under the Constitution to the same extent as all other Americans. Throughout diverse cities and small towns across the country, American Muslims have a long history of playing crucial roles in law enforcement and the armed forces, and as business leaders, doctors, lawyers, and teachers. However, there exists in our nation today a disturbing and dangerous trend of anti-Muslim rhetoric and bigotry, evidenced by attacks against individuals, religious institutions and entire communities.

The United States is a country founded on the principles of tolerance and religious freedom, as embodied in the First Amendment of the Constitution. The protection of these principles is vital to the ongoing sense of community shared by the diverse peoples and religious groups of this nation. Targeting American Muslims for scrutiny based on their religion goes against the core principles of religious freedom and equal protection under the law. Moreover, the practice erodes trust in government and law enforcement at all levels, which, in turn, undermines public safety.

The American Muslim community should be able to rely on the federal government to lead the effort in fostering an open climate of understanding and cooperation. These communities must be shielded from the threat of violence and suspicion that was at the heart of last January's thwarted attack against the Islamic Center of America in Dearborn, Michigan. They should also be able to rely on law enforcement's fundamental integrity and respect for First Amendment protected rights. Only through a balanced examination of the challenges facing the nation will we establish a strong policy framework for protecting security, while respecting the Constitution and the interests of affected communities.

This sense of Congress is an attempt to set the record straight and counter the perception of growing anti-Muslim rhetoric. Congress has a solemn duty to ensure that its actions do not fuel misconceptions about, and prejudices toward, any faith community, including the American Muslim community and Islam. Scores of religious, civil rights, law enforcement, and national security leaders and organizations representing diverse Americans and areas of expertise are concerned about messages which appear to target the American Muslim community, sending counterproductive messages both domestically and internationally. It is essential that the federal government send the message that we all must work together to guarantee the security of our country and that no community should be singled out for suspicion.

## RECOGNIZING DR. MARIE ROSSMANN

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. BURGESS. Mr. Speaker, I rise today to recognize Dr. Marie Rossmann on being named the Texas State Assistant Principal of the Year. Dr. Rossmann has worked diligently to promote the high educational standards of the 26th District of Texas. She has been an educator for two decades, and has maintained her passion and optimism.

Most recently, Dr. Rossmann spearheaded the Yellow Project. With the Yellow Project, Dr. Rossmann seeks to ''assist teachers with specific interventions which enable students to become more successful in the classroom.'' This effort is unique in that it encourages teachers to take the entire child into account when coming up with a way to address his or her particular needs. It is so easy to think about the education system as one giant entity, but Dr. Rossmann reminds us that it is in fact a system composing many individual students.

It is this determination and insight that made Dr. Marie Rossmann an obvious choice for the Texas State Assistant Principal of the Year. I am encouraged to know there are people like Dr. Rossmann who are making an impact on our children's lives. Please join me in recognizing this world class educator on her wonderful work.

## TRIBUTE TO GERALDINE FERRARO

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mrs. LOWEY. Mr. Speaker, I rise in tribute and appreciation of Geraldine Ferraro, who blazed a trail for all women, especially in government, and dedicated her life to public service.

Gerry and I shared many priorities, many of which were grounded in our similar experiences. As a former PTA president in Queens, New York, I felt a unique kinship with Gerry, who taught elementary school in Queens. In these capacities, we came to better understand the struggles families faced, the unmet needs of children, and the opportunities—and, indeed, our responsibility—to exercise our precious rights to improve our communities for all our fellow citizens.

One of only three women in her law school class, she advocated for women and children in countless pro bono cases in family court, including during the years she spent at home raising her own children. Gerry's sense of commitment to justice and opportunity for abused women and children was rivaled only by her success. In the Queens District Attorney's office, she led the Special Victims Bureau, prosecuting domestic violence, child abuse, and sex crimes. She gave voice to thousands who desperately needed an advocate and improved the quality of life and safety for all New Yorkers.

Then as a member of the U.S. House of Representatives, Geraldine Ferraro fought day-in and day-out in the continuing struggle for women's rights, especially in the workplace. Before any of us knew the injustice Lilly Ledbetter faced in a tire manufacturing plant 900 miles from New York, Gerry was working to ensure women received wages, benefits, and pensions equal to their male counterparts. She laid the groundwork for the Lilly Ledbetter equal pay legislation we passed only two years ago.

The first Italian-American and the first woman on a major-party presidential ticket, Geraldine Ferraro crystallized for millions of women and girls that gender should be no obstacle to public service and national leadership. Hillary Rodham Clinton, NANCY PELOSI, and other strong women in government have benefited from the foundation she laid as the Democratic Party's Vice Presidential nominee in 1984, and she inspired countless women to pursue elected office and assert their power as voters and active civic participants. Thanks to her efforts, the United States is stronger and more representative of our diverse and vibrant population.

Her leadership did not end when she left the halls of Congress. As U.S. Ambassador to the U.N. Commission on Human Rights, she was a highly effective voice for women and families not just in the United States, but worldwide. She donated a great deal of her time and talent to highly respected charitable organizations and causes.

Once diagnosed with multiple myeloma, she fought her illness for 12 years with the same tenacity and determination that were the hallmarks of her professional career. I was privileged to be part of honoring Geraldine with the Eleanor Roosevelt Legacy Committee's 2009

Lifetime Achievement Award. She stirred the hundreds of women packed into a New York City ballroom with her words of inspiration, her grace, and her commitment to advancing the health and well-being of others, even as she faced the fight of her life.

In 1984, Geraldine proudly proclaimed as the Vice Presidential nominee, ''America is the land where dreams can come true for all of us.'' She didn't just believe this in her gut; she did everything in her power to ensure that, through equal opportunity, every girl and boy throughout the United States and around the world has the means to pursue their dreams of a productive and successful life.

I was privileged to know Geraldine Ferraro, and she leaves a proud legacy of courage, principled advocacy, and greater opportunity. All Americans owe her a debt of gratitude for her service and leadership.

## HONORING LAFAYETTE STRIBLING CHAMPIONSHIP WINNING BASKETBALL COACH

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Coach Lafayette Stribling, Championship Winning Basketball Coach and Southwestern Athletic Conference (SWAC) Hall of Famer.

Lafayette Stribling, a native of Carthage, Mississippi in Leake County graduated from Harmony High School in Carthage. He attended Mississippi Industrial College in Holly Springs, Mississippi where he received a Bachelor of Science Degree and later a Master of Science Degree from Mississippi State University in Starkville, Mississippi. Coach Stribling has also studied at the University of Southern Mississippi in Hattiesburg, Mississippi.

Stribling coached high school boy's basketball for 26 years winning 741 games and 17 out of 19 Conference Championships. He was named Coach of the Year of the Choctaw Conference six consecutive years, and his team was Class BB State Champions in 1980. In addition to coaching boy's basketball, Stribling coached girl's basketball for four years. In the 1981 regular season, both the boys and girls teams were undefeated winning 67 consecutive games. He coached baseball for 15 years and won the 1971 State Championship. Subsequently, three players from that championship team went on to play baseball professionally. Throughout his 26 year high school sports career, Coach Stribling never had a losing season.

Coach Stribling spent over 20 years as the coach of the Mississippi Valley State University (MVSU) Delta Devils in Itta Bena, Mississippi. During Stribling's tenure, the Delta Devils captured four SWAC regular-season titles and earned three SWAC tournament titles which lead to three trips to the NCAA Tournament (1986, 1992, 1996). Stribling was the winningest coach in Mississippi Valley State University history, with a record of 315–307.

Coach Stribling's accomplishments at Mississippi Valley included taking a squad that was down in the early 1980s and turning them into conference champions. In 1985, his Delta Devils team played on national television against the number one team in the nation, Duke University. The game, televised on ESPN, saw Mississippi Valley fight a tough contest against the Blue Devils. At halftime, the Delta Devils led by three. Early in the second half, they led by seven, only to see Duke rally for an 85–78 victory. Though, the Delta Devils did not take home the win, their performance very well may have earned them a different type of victory. At the time, Mississippi Valley State University was facing closure. After a strong performance from the Delta Devils, the national attention Stribling's squad received arguably may have breathed life back into Mississippi Valley State University, forcing state legislators to reconsider closing its doors.

In 2005, Coach Stribling retired from Mississippi Valley State University as head coach of the Delta Devils. Soon, thereafter he came out of retirement and began coaching the Tougaloo College Bulldogs. In 2007, under the tutelage of Coach Stribling, the Bulldogs won their first conference championship in the school's history. That same year, Coach Stribling was named Gulf Coast Athletic Conference Coach of the Year and the bulldogs went on to play in the National Tournament.

At 76 years-old, Coach Stribling still believes his players should ''work hard and play even harder''—that is in the classroom and on the court. His firm concept of ''academics before athletics'' left the 54 year coaching veteran with only seven of his original thirteen players in the 2011 National Tournament when some of his players became academically ineligible. In essence, Coach Stribling says, ''You can look at it two ways. I always look at my glass as half full, not half empty. All seven of my guys know they are going to play every night. They are ready. I tell them we have seven players. That's two too many. You can't use but five at a time.'' To date, The Tougaloo Bulldogs have won three championships in just five seasons.

Coach Lafayette Stribling has inspired his players to never give up on or off the court. He has survived prostate cancer and congestive heart failure and continues to enjoy every moment of the game.

Again, I ask that my colleagues join me in saluting Coach Lafayette Stribling, a living legend and an inspiration to all Mississippians.

## TRIBUTE TO COACH PAUL BRIGGS

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Coach Paul Briggs, a great football coach who passed away on Monday, February 14, 2011, at the age of 90. Coach Briggs was Bakersfield High School's head football coach from 1953–1985. During those 33 seasons, his teams won 210 games, including four Central Section championships.

Coach Briggs was born in Providence, Rhode Island and grew up in Grand Junction, Colorado. He joined the Navy in 1943 and earned a Bronze Star for bravery and a Purple Heart. He played football at the University of Colorado and on the 1948 Detroit Lions. Then, Coach Briggs began his coaching career in 1949 at Rocky Ford High School in Colorado.

Continuously recognized for his great achievements in sports, Coach Briggs was a member of numerous halls of fame: the California Coaches Association Hall of Fame, Bob Elias Kern County Hall of Honor, Bakersfield High School Driller Football Hall of Fame, the University of Colorado Hall of Fame, and Citizens Athletic Foundation High School Hall of Fame. As a former player on one of Coach Briggs' Drillers teams, he was extremely knowledgeable about the game and was a tremendous leader.

Coach Briggs left Bakersfield High School after the 1985 season and continued his work with young athletes coaching at Orange Coast College. He spent 20 years there before retiring in 2005, having spent 57 years as a football coach.

Coach Briggs was a local icon and served as a great role model for the thousands of athletes he coached and taught during his career. He is survived by his daughter Paula and son-in-law Tom Parsons, grandsons Russell and Kevin Parsons, sisters Virginia Wilhite and Janet Dodrill, and his five nieces and six nephews.

## TRIBUTE TO JOSEPH M. ALIOTO

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a friend of mine, Joseph ''Joey'' Alioto who passed away peacefully at his home on March 21, 2011 after a brave battle with cancer. He will be deeply missed.

I knew Joey through one of his many passions, Alioto's Restaurant which started as a fresh fish stall on San Francisco's Fisherman's Wharf in 1925. He was often found greeting guests at the door with a big smile. He had a quick wit and a generous nature that was always welcoming.

Joey has joined his parents, Antoinette and Nunzio, and his sister, Michelle, and is survived by his wife of 36 years, Judy Alioto, and their four children Nunzio, Marc, Alexa, and Joey; his two siblings, my friend Francesca, Rose Marie Violante and her husband Cosmo; his mother-in-law, Ada Barone, his sister-in-law, Sister Claire ''Bonnie'' Barone, his brother-in-law, Joseph Barone and his wife Maricela. Uncle Joey was blessed with the love and support of his five nieces and nephews—Rochelle and her husband Kenneth Simurdiak, Matthew Violante, Gina and her husband Eric von Esmarch, Alessandro and Giancarlo Barone, and his five great grand nieces and nephews.

Joey generously contributed his time and resources to many local civic events and causes including Fisherman's Wharf Merchant Association, Fisherman's Wharf Community Benefit District, JIGs (Just Italian Guys), Kevin Collins Foundation, The Olympic Club, One Child at a Time, Ronald McDonald House, Salesian Boys' & Girls' Club, St. Ignatius Booster's Club, St. Ignatius Alumni, St. Ignatius Fathers' Club, Special Olympics, Toys for Tots Foundation, and numerous local school fundraisers. He served as President of the Port Tenants Association and the Fisherman's Wharf Merchant Association. In April of 2009, he was

given the esteemed honor of being named the ''Man of the Year'' for the Salesian Boys'' & Girls' Club. He was a person of great humility who constantly showered those around him with the abounding generosity of his heart. He will always be remembered for his passion for life, his love of music—especially opera, his sense of humor, and his generosity of heart.

Yesterday a memorial service celebrating Joey's extraordinary life was held at Saints Peter and Paul Church in San Francisco. Joey will always be remembered for his incredible work ethic, generosity, love of family, and sense of humor. His dedication to his family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Joey's family and friends; although Joey may be gone, the light and goodness he brought to the world remain and will never be forgotten.

## AFGHANISTAN WAR POWERS RESOLUTION

SPEECH OF

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 17, 2011*

Mr. WAXMAN. Mr. Speaker, I rise in support of H. Con. Res. 28, which would require the removal of all U.S. forces from Afghanistan by December 31, 2011.

Last Congress, I voted to give the President a year to plan for an orderly withdrawal from Afghanistan. I also voted to defund military operations except for the minimum needed to safely withdraw. I am disappointed that those measures failed, but I am even more disappointed that the administration has not yet acted decisively to chart a clear course to bring our troops home.

We are spending billions of dollars a month to prop up a corrupt Afghan government that has not proven capable to the challenges of governance. Flawed elections, rampant bribery, blatant nepotism, banking abuses, and a lack of accountability have crippled the best efforts of the international community to establish rule of law. After nearly a decade of conflict, it is time to step back, reevaluate, and correct our course.

Thanks to the efforts and sacrifices made by our troops and coalition partners, we have seen successes in the fight against terrorism in Afghanistan. CIA Director Leon Panetta has estimated that the number of al Qaeda operatives remaining in Afghanistan has substantially diminished. We should not minimize the gains our troops have made. But we must recognize that when open-ended nation building eclipses our original military objectives, we commit our blood and treasure to an uncertain, costly, and unconstrained course.

Mr. Speaker, this is not a perfect bill. But I believe it is the best way to send a clear message. I applaud President Obama for disengaging us from Iraq. Now it is time to do the same from Afghanistan. Let's do what it takes to bring our troops home.

## A TRIBUTE IN HONOR OF THE LIFE OF LOIS LEES CLUMECK

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Lois Lees Clumeck, who passed peacefully into eternity at her home in San Mateo, California, on March 21, 2011, at the age of 97 years. She was the pillar of her family . . . a loving wife, mother, grandmother, and great grandmother.

Lois Clumeck raised her family to live life to the fullest and help others do the same. Her daughter Jill and son-in-law John Freidenrich took this message to heart, becoming active philanthropists committed to causes in medicine, education, and art. The passion and philanthropy that the Clumeck and Freidenrich families have demonstrated have transformed countless lives and left a legacy of light and love.

After Jill was diagnosed with breast cancer, Lois became particularly passionate about aiding women with breast cancer through an organization the family created, Breast Cancer Connections. Just as Breast Cancer Connections provided a support network for families struggling to cope with the disease, Lois was always the support network for her entire extended family, whom she deeply cherished.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Lois Clumeck's children . . . Jack and Gloria Clumeck, and Jill and John Freidenrich; her grandchildren, Linda, Alan, Karen, Danny, Gail, Andrew, Eric, Amy, Cindy, and Adam; and her great grandchildren, Benjamin, Lauren, Evan, Danielle, Jacqueline, Samuel, David, Theodore, Lucille, Beverly, Sylvia, Justin, Jacob, Ross, and Alexa.

Lois' devoted daughter Jill once said, ''Find something you're passionate about and give as much as you can to that, and you will feel a richness beyond all riches.'' Lois Clumeck found her passion in people, and her life was rich beyond measure because of it. The memory of her words and deeds are a blessing, and I'm especially grateful to have known such a remarkable woman. She made her community better and strengthened our nation with her love, her generosity, her gentleness and her integrity.

## TRIBUTE TO BRIAN HAWLEY

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Brian Hawley is one of these individuals. On March 24, 2011, Brian will be honored as the ''Volunteer of the Year'' at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Brian Hawley is Chairman and Chief Financial Officer of Luminex. Founded in 1994, this privately held, global, growing, and consistently profitable company develops distinctive data storage products based on proven technologies that tackle the complex challenges of storing, archiving, distributing and protecting data.

In 2002 and 2003, Luminex was named to the Deloitte Fast50 list as being one of the fastest growing technology companies in Southern California. In 2003, Luminex was one of the select few companies named to both the Inc. Magazine ''Inc. 500'' and Deloitte ''Fast 500'' as one of the 500 fastest growing companies in the United States.

Along with his co-founders, Luminex received the Spirit of the Entrepreneur award in technology, the Greater Riverside Chambers of Commerce Small Business Eagle award, the UC Riverside Bourns College of Engineering Honored Alumni Award, and was honored as a California Small Business of the Year.

Luminex has twenty-seven employees headquartered in Riverside, California, and additional development offices in San Diego, California, and Beaverton, Oregon.

Prior to co-founding Luminex, Brian owned and managed Computer Systems International, a consulting firm specializing in corporate business computing and software development in a variety of industries.

Brian has served on Riverside's High Tech Task Force, is past chairman and a founding member of the Riverside Technology CEO Forum, a past chair of the Science Technology Education Partnership, and is currently Chair of the Chamber's Governmental Affairs Committee.

Brian has participated in the Chamber's annual advocacy trip to Sacramento, advocating for the best interests of the region. He was called upon by the California Chamber of Commerce to testify in support of a bill that allows employees greater flexibility in their work week.

In light of all Brian has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Brian their Volunteer of the Year. Brian's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

## HONORING WOMEN IN THE CLASSROOM

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. REYES. Mr. Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become lifelong learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today in honor of Women's History Month, I want to take this opportunity to honor women who are serving as teachers in El Paso.

There are so many dedicated and talented women in the schools of the 16th congressional district of Texas who deserve to be recognized and thanked for their commitment to providing the best possible education to our children. From Rosa Guerrero, a pioneer in education who was awarded a lifelong membership to the Texas Parent Teachers Association and was the first Hispanic woman in El Paso to have a school named after her, to our more recent Texas Teachers of the Year, we have been blessed with many dedicated and talented women in the classroom. Across the country, female educators make up 76 percent of the classroom workforce and serve as the core of the teaching profession, inspiring and supporting our youth. El Paso has been particularly blessed with incredible female educators and their work has been recognized year after year by the State of Texas and the Texas Teacher of the Year program. I am proud to note that El Paso has had ten Texas Teachers of the Year and six have been strong and passionate women.

Today's teachers are working under a tough budget crisis. Yet, in such difficult times our teachers continue to work hard every day to educate and inspire our children. Education is one of the fundamental building blocks of our Nation, and our teachers deserve to be acknowledged for all of their hard work and dedication.

In honor of Women's History Month, I would like to salute all the women in our classrooms in the 16th District of Texas, and also enter the names of the previous female recipients of the Texas Teacher of the Year Award from my congressional district.

NAMES OF EL PASO'S FEMALE TEXAS TEACHERS OF THE YEAR

Yushica Walker, Texas Teacher of the Year for 2010—Morehead Middle School

Christine Gleason, Texas Teacher of the Year for 2009—Fabens High School

Dana K. Boyd, Texas Teacher of the Year for 2007—Dolphin Terrace Elementary School

Kyann McMillie, Texas Teacher of the Year for 2004—Canutillo Elementary School

Rosa E. Lujan, Texas Teacher of the Year for 1992—Ysleta Elementary School

Rita Harlien, Texas Teacher of the Year for 1982—Eastwood High School

## HONORING MR. BLAS CASTAÑEDA

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CUELLAR. Mr. Speaker, I rise today to honor the accomplishments of Mr. Blas Castañeda. Mr. Castañeda is the External Affairs and Economic Development Officer at Laredo Community College in Laredo, Texas. He dedicates his career to educating the next generation of highly skilled workforce and fostering growth in the business community in Laredo and South Texas.

Mr. Castañeda contributes to the community of South Texas by fostering close working relations between public and private partnerships and regional planning for public and higher education. He is continuously and proactively engaged with the local, state, and international businesses along the Texas-Mexico border. As Laredo Community College's economic development officer, he has brought major capital facilities for the Laredo Community College. He is the leader in developing and maintaining the distance learning program that is part of the virtual college of Texas online systems. Mr. Castañeda also established the Laredo District V Scholarship Bound program in 1989, which has awarded several hundred thousand dollars in scholarships to talented youth of limited income.

His career began when he was elected council member to the Laredo City Council in 1988 and served for eight years, including as Mayor pro tempore. Governor Ann Richards appointed him to the Texas Workforce Investment Council in 1990 where he served for four years. By 2006, he was on the Board of the Future of the Region Inc. as Ex-Officio President and as President. This organization serves a 47-county, non-profit economic development initiative that addresses key issues in South Texas. In January of 2009, Mr. Castañeda was nominated to be a member of the South Texas Workforce Solutions Board and he represents Adult and Continuing Education. He also serves on the Board for the Texas Migrant Council, which promotes family literacy, education, and consumer education in Texas, Ohio, Wisconsin, Indiana, New Mexico, Iowa, Oklahoma, and Nevada. Mr. Castañeda continues his efforts for the community as a member of organizations including Big Brother/Big Sister, Rio South Texas Workplace Literacy Council, and the Texas Community College Teachers Association.

Mr. Castañeda is a highly respected member of the South Texas community. He has received numerous awards such as the Liberty Bell Award, the ''Salute to Labor'' Star Award, and the Tejano's High Achievers Award. The Laredo Independent School District recently named him a ''Tiger Legend'' for his dedication and for serving as a role model to Laredo's youth.

Mr. Speaker, I am honored to have had this time to recognize Mr. Blas Castañeda's accomplishments and service in South Texas. His tireless efforts for economic development and education have truly impacted the community.

## TRIBUTE TO DEBBI HUFFMAN GUTHRIE

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Debbi Guthrie is one of these individuals. On March 24, 2011, Debbi will be honored as the ''Citizen of the Year'' at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Debbi Huffman Guthrie is retired from her 27-year career as the third-generation owner of a roofing company established by her grandfather in 1921. Since 1993, Debbi has served as a Director with Provident Bank, a publicly traded, community bank established in Riverside in 1957. Debbi is the current and former member of numerous organizations including: member, Riverside Community College District Capital Campaign Executive Committee; Chair, Riverside Aquatics Complex Fundraising Committee; Chair, Greater Riverside Chambers of Commerce Inaugural Ball Committee; Chair, ATHENA of the Inland Valleys Committee; Member, Board of Directors—Greater Riverside Chambers of Commerce; Member, Riverside Sport Hall of Fame Induction Celebration Committee; Trustee, University of California Riverside Foundation; Chair, University of California Riverside A. Gary Anderson Graduate School of Management Dean's Leadership Council; Chairwoman, Greater Riverside Chambers of Commerce; Chair, Governmental Affairs Committee and Leadership Riverside Program, Greater Riverside Chambers of Commerce; President and Member, Kiwanis Club of Riverside; President, Riverside Community College District Foundation; State Director, ATHENA Foundation; March Air Force Base Military Affairs Committee (Honorary Commander's Program); Inland Empire Council Boy Scouts of America, Distinguished Citizens Committee; and Junior League of Riverside.

Debbi is the recipient of many awards including: the 2010 Riverside YWCA Irene Bonnett Volunteer of the Year; the 2010 Riverside Downtown Partnership Roy Hord ''Volunteer of the Year''; the 2003 Association of Agency Executives, Spirit of the Non-Profit Award; the 2003 Gold Key Award, Soroptimist Club; the 2001 Boy Scouts of America Distinguished Citizen Award; the Riverside Community College Inaugural Community Service Award; the 2001 Kiwanis International George Hixson Fellowship Award; the 2001 President's Award, Greater Riverside Chambers of Commerce; the 2000 Management Leader of the Year, Private Sector, UC Riverside A. Gary Anderson Graduate School of Management; and the 1999–2000 Volunteer of the Year, Greater Riverside Chambers of Commerce.

In addition to her continued involvement with Provident Bank and her volunteer commitments in Riverside, Debbi now lives parttime in southern Utah where she takes pride in working with her husband to manage their 1300-acre ranch. She enjoys being with her family, horseback riding, house-boating on Lake Powell, hikes in Zion National Park and international travel with friends. Debbi is a native of Riverside and attended Ramona High School and California State University, San Bernardino. Debbi and her husband, Jim, have four adult daughters and four grandchildren.

In light of all Debbi has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Debbi their Citizen of the Year. Debbi's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives this prestigious award.

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S2005–S2061***

**Measures Introduced:** Twenty-one bills and nine resolutions were introduced, as follows: S. 693–713, S.J. Res. 10, and S. Res. 119–126. **Pages S2046–47**

**Measures Reported:**

Special Report entitled "Report of the Committee on Rules and Administration, United States Senate, during the 111th Congress". (S. Rept. No. 112–8)

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations, United States Senate, One Hundred Eleventh Congress". (S. Rept. No. 112–10)

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 111th Congress". (S. Rept. No. 112–11)

Report to accompany S. Res. 81, authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013. (S. Rept. No. 112–9)

S. 216, to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated, with an amendment in the nature of a substitute.

S. 222, to limit investor and homeowner losses in foreclosures. **Pages S2045–46**

**Measures Passed:**

***Tesoro Refinery Fire and Explosion Anniversary:*** Senate agreed to S. Res. 120, recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington. **Page S2059**

***Financial Literacy Month:*** Senate agreed to S. Res. 121, designating April 2011 as "Financial Literacy Month". **Pages S2059–60**

***Honoring the Life and Legacy of Elizabeth Taylor:*** Senate agreed to S. Res. 122, honoring the life and legacy of Elizabeth Taylor. **Page S2060**

***Celebrating ACHIEVA's 60th Anniversary Week:*** Senate agreed to S. Res. 123, commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as "Celebrating ACHIEVA's 60th Anniversary Week". **Page S2060**

**Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments—Agreement:** A unanimous-consent-time agreement was reached providing that at 11:00 a.m., on Tuesday, April 5, 2011, Senate begin consideration of H.R. 4, to repeal the expansion of information reporting requirements for payments of $600 or more to corporations; that the only amendment in order to the bill be an amendment to be offered by Senator Menendez; that there be up to 60 minutes of debate, equally divided between the two Leaders, or their designees, prior to a vote on or in relation to the Menendez amendment; that the amendment not be divisible and no amendments be in order to the amendment prior to the vote; that upon disposition of the amendment, the bill be read a third time, and Senate vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60 vote threshold.

Page S2059

**Reyna Nomination—Agreement:** A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, April 4, 2011, Senate begin consideration of the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit; that there be one hour for debate, equally divided in the usual form; that upon the use or yielding back of time, Senate vote on confirmation of the nomination, without intervening action or debate; and that no further motions be in order. **Page S2059**

**Nominations Received:** Senate received the following nominations:

Gary Locke, of Washington, to be Ambassador to the People's Republic of China.

Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Alison J. Nathan, of New York, to be United States District Judge for the Southern District of New York.

George Lamar Beck, Jr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

David L. McNulty, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

1 Army nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy. **Page S2061**

**Messages from the House:** **Page S2043**

**Measures Read the First Time:** **Pages S2043, S2060**

**Executive Communications:** **Pages S2043–45**

**Executive Reports of Committees:** **Page S2046**

**Additional Cosponsors:** **Pages S2047–48**

**Statements on Introduced Bills/Resolutions:** **Pages S2048–56**

**Additional Statements:** **Pages S2042–43**

**Amendments Submitted:** **Pages S2056–58**

**Notices of Hearings/Meetings:** **Page S2058**

**Authorities for Committees to Meet:** **Pages S2058–59**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 7:40 p.m., until 2 p.m. on Monday, April 4, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2061.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: DEPARTMENT OF VETERANS AFFAIRS

*Committee on Appropriations:* Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Veterans Affairs, after receiving testimony from Eric K. Shinseki, Secretary, Robert A. Petzel, Under Secretary for Health, Veterans Health Administration, Michael Walcoff, Acting Under Secretary for Benefits, Veterans Benefits Administration, Steve L. Muro, Acting Under Secretary for Memorial Affairs, National Cemetery Administration, Roger W. Baker, Assistant Secretary for Information and Technology, Office of Information and Technology, and W. Todd Grams, Acting Assistant Secretary for Management and Chief Financial Officer, all of the Department of Veterans Affairs.

## APPROPRIATIONS: LIBRARY OF CONGRESS AND OPEN WORLD LEADERSHIP CENTER

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Library of Congress (LOC) and Open World Leadership Center, after receiving testimony from James H. Billington, Librarian of Congress, and Robert Dizard, Jr., Chief of Staff, Office of the Librarian, both of the Library of Congress; and John O'Keefe, Executive Director, Open World Leadership Center.

## DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Committee concluded a hearing to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from John M. McHugh, Secretary of the Army, and General George W. Casey Jr., Chief of Staff of the Army, both of the Department of Defense.

## OPERATION ODYSSEY DAWN

*Committee on Armed Services:* Committee concluded a hearing to examine Operation Odyssey Dawn and the situation in Libya, after receiving testimony from Robert M. Gates, Secretary, and Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

## HYDROPOWER POLICY

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine S. 629, to improve hydropower, S. 630, to promote marine and hydrokinetic renewable energy research and development, and Title I, subtitle D of the American Clean Energy Leadership Act of 2009, after receiving testimony from Michael L. Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Steven G. Chalk, Chief Operating Officer and Acting Deputy Assistant Secretary for Renewable Energy, Office of Energy Efficiency and Renewable Energy, Department of Energy; Jeff C. Wright, Director, Office of Energy Projects, Federal Energy Regulatory Commission; John Seebach, American Rivers, and Andrew Munro, National Hydropower Association, both of Washington, D.C., Sean O'Neill, Ocean Renewable Energy Coalition, Darnestown, Maryland; and Michael E. Webber, The University

of Texas at Austin Center for International Energy and Environmental Policy, Austin.

## ARMY CORPS OF ENGINEERS BUDGET

*Committee on Environment and Public Works:* Subcommittee on Transportation and Infrastructure concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Army Corps of Engineers, after receiving testimony from Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, and Lieutenant General Robert Van Antwerp, Chief of Engineers, U.S. Army Corps of Engineers, both of the Department of Defense.

## ASIAN-PACIFIC ECONOMIC COOPERATION

*Committee on Finance:* Committee concluded a hearing to examine Asian-Pacific Economic Cooperation (APEC) 2011, focusing on breaking down barriers, creating economic growth, after receiving testimony from John K. Veroneau, Covington and Burling LLP, and Peter Scher, JPMorgan Chase, United States Representative to the APEC Business Advisory Council, both of Washington, D.C.; Bert Robins, Seacast, Inc., Butte, Montana; and Richard M. Hartvigsen, Nu Skin Enterprises, Inc., Provo, Utah.

## COUNTERNARCOTICS AND CITIZEN SECURITY IN THE AMERICAS

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine counternarcotics and citizen security in the Americas, after receiving testimony from William R. Brownfield, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; R. Gil Kerlikowske, Director, National Drug Control Policy, Executive Office of the President; William F. Wechsler, Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats; Vanda Felbab-Brown, The Brookings Institution, Cynthia J. Arnson, and Eric L. Olson, both of the Woodrow Wilson International Center for Scholars, and Stephen Johnson, Center for Strategic and International Studies, all of Washington, D.C.

## LIBYA

*Committee on Foreign Relations:* Committee concluded a hearing to examine the situation in Libya, after receiving testimony from James Steinberg, Deputy Secretary of State.

## DRUG GANGS' EVER EVOLVING TACTICS TO PENETRATE THE BORDER

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs concluded a hearing to examine drug gangs' ever-evolving tactics to penetrate the border and the Federal government's ability to stop them, after receiving testimony from Donna Bucella, Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection, and James A. Dinkins, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, both of the Department of Homeland Security; Thomas M. Harrigan, Assistant Administrator and Chief of Operations, Drug Enforcement Administration, Department of Justice; Kent Bitsko, Executive Director, Nevada High Intensity Drug Trafficking Area, Las Vegas; and Frances Flener, Arkansas State Drug Director, Little Rock.

## MINE SAFETY

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine improving safety at dangerous mines one year after Upper Big Branch, after receiving testimony from Joseph A. Main, Assistant Secretary for Mine Safety and Health, and Elliot P. Lewis, Assistant Inspector General for Audit, Office of the Inspector General, both of the Department of Labor.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 222, to limit investor and homeowner losses in foreclosures;

S. 216, to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated, with an amendment in the nature of a substitute; and

The nominations of John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, and Claire C. Cecchi, to be United States District Judge for the District of New Jersey.

## U.S. SMALL BUSINESS ADMINISTRATION AND THE OFFICE OF ADVOCACY BUDGET

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the U.S. Small Business Administration and the Office of Advocacy, after receiving testimony from Karen G. Mills, Administrator, and Winslow Sargeant, Chief Counsel for Advocacy, both of the U.S. Small Business Administration.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 30 public bills, H.R. 1277–1306; and 5 resolutions, H.J. Res. 53; H. Con. Res. 32; and H. Res. 193, 195–196 were introduced. **Pages H2213–15**

**Additional Cosponsors:** **Pages H2215–16**

**Reports Filed:** Reports were filed today as follows:

H. Con. Res. 13, reaffirming "In God We Trust" as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions (H. Rept. 112–47);

Report on Oversight Plans for All House Committees (H. Rept. 112–48); and

H. Res. 194, providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes (H. Rept. 112–49). **Page H2213**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today. **Page H2111**

**Recess:** The House recessed at 10:45 a.m. and reconvened at 12 noon. **Page H2116**

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Dr. Charles Jackson, Sr., Brookland Baptist Church, West Columbia, South Carolina. **Page H2116**

**Investigative Subcommittees of the Committee on Ethics:** The Chair announced that the Speaker named the following Members of the House of Representatives to be available to serve on investigative subcommittees of the Committee on Ethics for the 112th Congress: Representatives Bishop (UT), Blackburn, Crenshaw, Latham, Simpson, Walden, Olson, Latta, Griffin (AR), and Grimm. **Page H2119**

**Point of Personal Privilege:** Representative Kucinich rose to a point of personal privilege and was recognized. **Pages H2119–22**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated yesterday, March 30th:

***Reducing Regulatory Burdens Act of 2011:*** H.R. 872, amended, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, by a 2/3 yea-and-nay vote of 292 yeas to 130 nays, Roll No. 206. **Pages H2129–30**

**FAA Reauthorization and Reform Act of 2011:** The House began consideration of 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, and to provide stable funding for the national aviation system. Consideration is expected to resume tomorrow, April 1st. **Pages H2122–29, H2130–H2212**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011, shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. **Page H2141**

Agreed to:

Pierluisi amendment (No. 3 printed in H. Rept. 112–46) that ensures that airports in Puerto Rico are apportioned amounts under the Airport Improvement Program (AIP), while also remaining eligible for discretionary grants under the Program; **Pages H2176–77**

Hirono amendment (No. 4 printed in H. Rept. 112–46) that exempts Hawaii's large- and medium-hub airports from collecting PFCs from interisland travelers due to the unique everyday travel circumstances the island state presents. Changes the formula under which Hawaii's annual Federal apportionments are reduced when the State's large and

medium hub airports collect passenger facility charges from overseas travelers; **Pages H2177–80**

Neugebauer amendment (No. 5 printed in H. Rept. 112–46) that directs the Administrator of the Federal Aviation Administration to conduct a feasibility study on the development of an online public resource that would list the location and height of potential low-altitude aviation obstructions, such as guy-wire and free-standing towers. Gives the Administrator one year to conduct the study and report to Congress; **Pages H2180–81**

LoBiondo amendment (No. 6 printed in H. Rept. 112–46) that allows the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The Center would leverage the FAA's existing centers of excellence program, a program that relies on several university consortia to address ongoing FAA research and development challenges.

The Center would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen; **Page H2181**

Miller (MI) amendment (No. 12 printed in H. Rept. 112–46) that directs the FAA to work with various Federal agencies to integrate Unmanned Aerial Systems into the National Airspace System more expeditiously; **Page H2187**

Woodall amendment (No. 13 printed in H. Rept. 112–46) that prohibits implementation by the FAA of a new rule interpretation relating to 14 CFR 135, sections 263 and 267(d) so far as it relates to air ambulances and air cargo charter pilot rest requirements. Sets the interpretation of those sections at the state they were on January 1, 2011; **Pages H2187–88**

Mica manager's amendment (No. 1 printed in H. Rept. 112–46) that makes technical corrections to provisions in the underlying bill (by a recorded vote of 251 ayes to 168 noes, Roll No. 207); **Pages H2170–76, H2194**

Graves (MO) amendment (No. 22 printed in H. Rept. 112–46) that provides relief for an air show in Cleveland, Ohio, from complying with certain airspace restrictions; **Pages H2203–04**

Waxman amendment (No. 23 printed in H. Rept. 112–46) that encourages the FAA to work with the City of Santa Monica to achieve safety improvements at Santa Monica Airport, a general aviation facility that has no runway safety areas; **Page H2204**

Moore amendment (No. 25 printed in H. Rept. 112–46) that requires the Transportation Department Inspector General to report to Congress on the number of new small business concerns, including those owned by veterans and other disadvantaged groups, that participate in the projects carried out throughout the duration of the reauthorization. The report would list the top 25 and bottom 25 large- and medium-hub airports using such small businesses, assess the reasons why airports have been successful in using such small businesses and make recommendations to the FAA and Congress on how those successes can be replicated; **Pages H2205–06**

Graves (MO) amendment (No. 26 printed in H. Rept. 112–46) that prohibits the Federal Aviation Administration (FAA) from destroying vintage aircraft type certificate data and requires such data to be made available to the public, for non-commercial purposes, upon a Freedom of Information Act request; **Pages H2206–07**

Matheson amendment (No. 30 printed in H. Rept. 112–46) that allows the Transportation Department to release any terms, conditions, reservations, or restrictions on deeds which the United States conveyed to an airport, city, county property for airport purposes, as long as the release results in furthering other airport purposes; and **Pages H2209–10**

Schiff amendment (No. 31 printed in H. Rept. 112–46) that includes sense of Congress language that the operator of Los Angeles International Airport (LAX) should consult with representatives of the community surrounding LAX regarding airport operations and expansion plans. **Page H2210**

Rejected:

Richardson amendment (No. 16 printed in H. Rept. 112–46) that sought to require air carriers to provide an option for passengers to receive a notification via electronic service if there are any changes to the status of their flight; **Pages H2189–90**

Garrett amendment (No. 7 printed in H. Rept. 112–46) that sought to require the FAA to study alternatives to the New York/New Jersey/Philadelphia airspace redesign to reduce delays at the 4 airports included in the redesign. Would also prohibit the FAA from continuing with the implementation of the airspace redesign until the study is submitted to Congress (by a recorded vote of 120 ayes to 303 noes, Roll No. 208); **Pages H2181–83, H2194–95**

DeFazio amendment (No. 9 printed in H. Rept. 112–46) that sought to require mechanics at contract repair stations certificated by the Federal Aviation Administration in the U.S. and in foreign countries to undergo the same criminal background checks required for mechanics and other aviation employees at U.S. airports (by a recorded vote of 161 ayes to 263 noes, Roll No. 209); **Pages H2183, H2195–96**

Hirono amendment (No. 10 printed in H. Rept. 112–46) that sought to establish an Aviation Rulemaking Committee (ARC) to study and provide regulatory recommendations to the Federal Aviation Administrator to ensure that all certified aircraft is properly equipped with technology that maintains

pilot visibility when dense, continuous smoke is present in the cockpit. The ARC would be directed to complete its work in one year and provide its recommendations to the Administrator who must inform Congress of the recommendations and outline what actions the agency will take on the basis of those recommendations (by a recorded vote of 174 ayes to 241 noes, Roll No. 210);

**Pages H2184–85, H2196**

Capuano amendment (No. 17 printed in H. Rept. 112–46) that sought to require greater disclosure of a passenger's baggage fees when a fare is quoted to an airline passenger and require refunds for baggage that is lost, damaged, or delayed. The Secretary of Transportation would prescribe any requirements necessary to implement the baggage fee disclosures by ensuring that necessary information is shared between carriers and ticket agents that have an already existing agency appointment or contract (by a recorded vote of 187 ayes to 235 noes, Roll No. 211); and **Pages H2190–92, H2196–97**

Gingrey amendment (No. 18 printed in H. Rept. 112–46) that sought to prohibit FAA employees from using official—taxpayer-sponsored—time for union activities during the official work day. It would not repeal the right of any FAA employee to collectively bargain or arbitrate (by a recorded vote of 195 ayes to 227 noes, Roll No. 212).

**Pages H2192–94, H2197–98**

Withdrawn:

Waters amendment (No. 2 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have required airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult with representatives of the community surrounding the airport regarding airport operations and their impact on the community; **Page H2176**

Jackson Lee (TX) amendment (No. 11 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have required a minimum of three on-duty air traffic controllers; **Pages H2185–87**

Pierluisi amendment (No. 14 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have authorized the Secretary of Transportation to continue the essential air service program in Puerto Rico following the sunset date of October 1, 2013. The bill authorizes continuation for Alaska and Hawaii; **Page H2188**

Schweikert amendment (No. 15 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have allowed airlines currently operating out of DCA to convert flights to and from large hub airports located within the DCA perimeter to any airport outside of the DCA perimeter; **Pages H2188–89**

Graves (MO) amendment (No. 19 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have clarified Congressional intent of 49 U.S.C. 40116(d)(2)(A)(iv) to prohibit taxes on businesses located at an airport when such revenue is not used for airport purposes; and

**Pages H2198–99**

Moore amendment (No. 32 printed in H. Rept. 112–46) that was offered and subsequently withdrawn that would have given the Federal Aviation Administration (FAA) the authority to conduct demonstration projects at five airports in support of ''aerotropolis'' zones that assist in better coordinating transportation around airports and funding of projects to reduce congestion, improve, and increase the flow of freight and passengers to and through the airport through multiple transportation modes.

**Pages H2210–12**

Proceedings Postponed:

Sessions amendment (No. 20 printed in H. Rept. 112–46) that seeks to prevent any funds from this act to be used to administer or enforce Davis Bacon;

**Pages H2199–H2200**

LaTourette amendment (No. 21 printed in H. Rept. 112–46) that seeks to strike section 903, which repeals a National Mediation Board (NMB) rule, finalized last year, which provides for union representation elections among airline and railroad workers covered by the Railway Labor Act;

**Pages H2200–03**

Shuster amendment (No. 24 printed in H. Rept. 112–46) that seeks to improve Federal Aviation Administration (FAA) rulemaking activities by requiring the Agency to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics and requiring the FAA to tailor regulations to address the unique characteristics of each industry segment. The amendment also requires the FAA to conduct appropriate cost/benefit studies on all proposed regulations and only enact regulations upon a finding that the costs are justified by the benefits;

**Pages H2204–05**

Pearce amendment (No. 27 printed in H. Rept. 112–46) that seeks to authorize an equitable transfer of land and property, in the form of a road, between Dona Ana County in New Mexico and Verde Corporate Realty Services. Dona Ana County would continue to use the land for airport purposes; and

**Pages H2207–08**

Schiff amendment (No. 29 printed in H. Rept. 112–46) that seeks to allow airports that meet specific requirements—already had at least a partial curfew in effect before the 1990 Airport Noise and Control Act (ANCA)—to implement mandatory nighttime curfews. Would define a nighttime curfew

(10 p.m. to 7 a.m.), establish the process for implementing and administrating the curfew and is not intended to open the door to any further exemptions from ANCA. **Pages H2208–09**

H. Res. 189, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 249 yeas to 171 nays, Roll No. 205, after the previous question was ordered without objection. **Pages H2122–29**

**Official Objectors for the 112th Congress:** On behalf of the Majority and Minority leadership, the Chair announced the following official objectors for the Private Calendar for the 112th Congress: Representatives Smith (TX), Sensenbrenner, and Poe for the Majority and Representatives Serrano, Nadler, and Edwards for the Minority. **Page H2212**

**Quorum Calls—Votes:** Two yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H2129, H2129–30, H2194, H2195, H2195–96, H2196, H2197 and H2197–98. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:56 p.m.

# *Committee Meetings*

## DODD-FRANK—ENTITY AND PRODUCT CLASSIFICATION

*Committee on Agriculture:* Full Committee held a hearing on Defining the Market: Entity and Product Classifications Under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Testimony was heard from Gary Gensler, Chairman, Commodity Futures Trading Commission.

## INTERIOR, ENVIRONMENT

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies held a hearing on Indian Health Service FY 2012 Budget Oversight Hearing. Testimony was heard from Yvette Robideaux, M.D., M.P.H., Director, Indian Health Service; and Randy Grinnell, Deputy Director, Indian Health Service.

## DEFENSE

*Committee on Appropriations:* Subcommittee on Defense held a hearing on Air Force Fiscal Year 2012 Budget Review. Testimony was heard from Michael B. Donley, Secretary of the Air Force; and Gen. Norton A. Schwartz, Chief of Staff, Air Force.

## ENERGY AND WATER DEVELOPMENT

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Department of Energy—Nuclear Energy and Nuclear Regulatory Commission FY 2012 Budget. Testimony was heard from Peter Lyons, Acting Assistant Secretary for Nuclear Energy; and Gregory Jaczko, Chairman, Nuclear Regulatory Commission.

## FINANCIAL SERVICES AND GENERAL GOVERNMENT

*Committee on Appropriations:* Subcommittee on Financial Services and General Government held a hearing on Consumer Product Safety Commission FY 2012 Budget. Testimony was heard from Inez Moore Tenenbaum, Chairman; and Anne Northrup, Commissioner, Consumer Product Safety Commission.

## MILITARY CONSTRUCTION, VETERANS AFFAIRS

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on European Command. Testimony was heard from ADM James G. Stravridis; and Rear Admiral William "Andy" Brown, Director of Logistics, U.S. European Command.

## AGRICULTURE, RURAL DEVELOPMENT, FDA

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on USDA FY 2012 Budget Request. Testimony was heard from Dallas Tonsanger, USDA Undersecretary for Rural Development.

## STATE, FOREIGN OPERATIONS

*Committee on Appropriations:* Subcommittee on State, Foreign Operations and Related Agencies held a hearing on Fiscal Year 2012 Request for Global Health and HIV/AIDS Programs. Testimony was heard from Ambassador Eric Goosby, U.S. AIDS Coordinator; and Amie Batson, Deputy Assistant Administrator for Global Health at USAID.

## ENERGY AND WATER DEVELOPMENT

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Department of Energy—Loan Guarantee Program and ARPA–E, FY 2012 Budget. Testimony was heard from Arun Majumdar, Director, ARPA–E; and Jonathan Silver, Director, Loan Guarantee Program.

## HOMELAND SECURITY

*Committee on Appropriations:* Subcommittee on Homeland Security held a hearing on Department of Homeland Security, NPPD Budget—Cybersecurity and Infrastructure Protection Programs and Funding.

Testimony was heard from Rand Beers, Under Secretary of the National Protection and Programs Directorate; and Phil Reitinger, Deputy Under Secretary of National Protection and Programs Directorate. This was a CLASSIFIED and CLOSED hearing.

## MILITARY OPERATIONS IN LIBYA

*Committee on Armed Services:* Full Committee held a hearing on Operation Odyssey Dawn and U.S. Military Operations in Libya. Testimony was heard from Robert M. Gates, Secretary of Defense; and ADM Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff.

## FY 2012—MISSILE DEFENSE

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on FY 2012 national defense authorization budget request for missile defense. Testimony was heard from Bradley H. Roberts, Deputy Assistant Secretary of Defense, Nuclear and Missile Defense Policy, Office of the Secretary of Defense; Lieutenant General Patrick O'Reilly, USA, Director, Missile Defense Agency; David G. Ahern, Deputy Assistant Secretary of Defense, Portfolio Systems Acquisition, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and J. Michael Gilmore, Director, Operational Test and Evaluation, Office of the Secretary of Defense.

## IMPROVING THE READINESS OF U.S. FORCES

*Committee on Armed Services:* Subcommittee on Readiness held a hearing on improving the readiness of U.S. forces through military jointness. Testimony was heard from General Ray Odierno, USA, Commander, U.S. Joint Forces Command, Vice Admiral William E. Gortney, USN, Director, Joint Staff, Joint Chiefs of Staff; and public witnesses.

## UNION TRANSPARENCY AND ACCOUNTABILITY

*Committee on Education and the Workforce:* Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled ''The Future of Union Transparency and Accountability.'' Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Health held a markup on the following: H.R. 1217, to repeal the Prevention and Public Health Fund; H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; H.R. 1215, to amend title V of the Social Security Act to convert funding for personal responsibility education programs from direct appropriations to an authorization of appropriations; H.R. 1214, to repeal mandatory funding for school-based health center construction; and H.R. 1213, to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges. Each of the bills was forwarded to the full Committee without amendment.

## CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM

*Committee on Energy and Commerce:* Subcommittee on Environment and the Economy held a hearing on H.R. 908, to extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards Program. Testimony was heard from Rand Beers, Under Secretary, Personal Protection and Programs Directorate, Department of Homeland Security; and public witnesses.

## STEPS TO PROTECT TAXPAYERS FROM THE ONGOING BAILOUT OF FANNIE MAE AND FREDDIE MAC

*Committee on Financial Services:* Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''Legislative Hearing on Immediate Steps to Protect Taxpayers from the Ongoing Bailout of Fannie Mae and Freddie Mac.'' Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; and public witnesses.

## LIBYA: DEFINING U.S. NATIONAL SECURITY INTEREST

*Committee on Foreign Affairs:* Full Committee held a hearing on Libya: Defining U.S. National Security Interests. Testimony was heard from James B. Steinberg, Deputy Secretary, Department of State.

## MISCELLANEOUS MEASURES; ASIA OVERVIEW

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a markup on H. Res. 139, expressing condolences to the people of New Zealand for the terrible loss of life and property suffered as a result of the deadly earthquake that struck on February 22, 2011; and H. Res. 172, expressing heartfelt condolences and support for assistance to the people of Japan and all those affected in the aftermath of the deadly earthquake and tsunamis of March 11, 2011. Both resolutions were forwarded to the full Committee without amendment. The markup was followed by a hearing on Asia Overview: Protecting American Interests in China and Asia. Testimony was heard from Kurt Campbell, Assistant

Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and public witnesses.

**MISCELLANEOUS MEASURES; RISING OIL PRICES AND DEPENDENCE ON HOSTILE REGIMES**

*Committee on Foreign Affairs:* Subcommittee on the Western Hemisphere held a markup on H.R. 1016, to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes. The bill was forwarded to the full Committee with an amendment. Following the markup a hearing on Rising Oil Prices and Dependence on Hostile Regimes: The Urgent Case of Canadian Oil took place. Testimony was heard from David L. Goldwyn, former Department of State Coordinator and Special Envoy for International Energy Affairs; Lucian Pugliaresi; former Department of State Coordinator and Special Envoy for International Energy Affairs; and public witnesses.

**MEXICAN WAR AGAINST DRUG CARTELS**

*Committee on Homeland Security:* Subcommittee on Oversight, Investigations, and Management held a hearing entitled ''The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.'' Testimony was heard from Luis Alvarez, Deputy Assistant Secretary, Homeland Security Investigations, Office of International Affairs, Immigration and Customs Enforcement, Department of Homeland Security; Brian Nichols, Deputy Assistant Secretary, International Narcotics and Law Enforcement Affairs, Department of State; Frank Mora, Deputy Assistant Secretary, Western Hemisphere Affairs, Department of Defense; and Kristin Finklea, Analyst Domestic Social Policy Division, Congressional Research Service.

**2010 ELECTION**

*Committee on House Administration:* Subcommittee on Elections held a hearing entitled ''The 2010 Election: A Look Back At What Went Right and Wrong.'' Testimony was heard from Scott Gessler, Secretary of State, Colorado; Mark Ritchie, Secretary of State, Minnesota; Susan Gill, Supervisor of Elections, Citrus County, Florida; and public witnesses.

**H–1B VISAS**

*Committee on the Judiciary:* Subcommittee on Immigration Policy and Enforcement held a hearing entitled ''H–1B Visas: Designing a Program to meet the Needs of the U.S. Economy and U.S. Workers''. Testimony was heard from Donald Neufeld, Associate Director of Service Center Operations, Citizenship and Immigration Services; and public witnesses.

**CREATE JOBS AND ADDRESS RISING GASOLINE PRICES**

*Committee on Natural Resources:* Full Committee held a hearing on Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices: Impacts on Businesses and Families. Testimony was heard from public witnesses.

**FY 2012 BUDGET—NOAA AND NMFS**

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on ''Spending for the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service and the President's Fiscal Year 2012 budget request for these agencies.'' Testimony was heard from Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere and Administrator, NOAA; and Eric Schwaab, Assistant Administrator, National Marine Fisheries Service.

**DEPARTMENT OF HOMELAND SECURITY AND FOIA**

*Committee on Oversight and Government Reform:* Full Committee held a hearing entitled ''Why isn't the Department of Homeland Security meeting the President's standard on FOIA?'' Testimony was heard from the following Department of Homeland Security officials: Mary Ellen Callahan, Chief Privacy Officer; Ivan Fong, General Counsel; Charles Edwards, Acting Inspector General; and public witnesses.

**GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011**

*Committee on Rules:* The Committee granted, by a record vote of 6 to 3, a closed rule providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes. The rule provides for one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The bill waives all points of order against provisions in the bill. Finally, the rule provides one motion to recommit. Testimony was heard from Rep. Moran; Rep. Welch; and Rep. Andrews.

**CLIMATE CHANGE**

*Committee on Science, Space, and Technology:* Full Committee held a hearing on Climate Change: Examining the Processes Used to Create Science and Policy. Testimony was heard from public witnesses.

### ROLE OF SMALL BUSINESS AND JOB CREATION

*Committee on Science, Space, and Technology:* Subcommittee on Technology and Innovation held a hearing on the Role of Small Business in Innovation and Job Creation: The SBIR and STTR Programs. Testimony was heard from public witnesses.

### VOCATIONAL REHABILITATION, COUNSELING, AND EMPLOYMENT FOR VETERANS

*Committee on Veterans' Affairs:* Subcommittee on Economic Opportunity held a hearing on the VA's Vocational Rehabilitation and Employment program budget and VRE National Counseling Contract. Testimony was heard from John M. McWilliam, Deputy Assistant Secretary for Operations and Management, Veterans' Employment and Training Service, Department of Labor; Ruth A. Fanning, Director, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

### ELIMINATE CERTAIN TAX BENEFITS RELATING TO ABORTION

*Committee on Ways and Means:* Full Committee held a markup of H.R. 1232, to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion. The bill was ordered reported without amendment.

### 2011 TAX FILING SEASON

*Committee on Ways and Means:* Subcommittee on Oversight held a hearing on the Internal Revenue Service and the 2011 Tax Return Filing Season. Testimony was heard from Douglas Shulman, Commissioner, IRS.

## *Joint Meetings*

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR FRIDAY, APRIL 1, 2011

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings scheduled.

#### House

*Committee on Appropriations*, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on USDA FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on National Oceanic and Atmospheric Administration FY 2012 Budget Request, 10 a.m., H–309 Capitol.

Subcommittee on Financial Services and General Government, OPM FY 2012 Budget, 10 a.m., 2358–C Rayburn.

Subcommittee on Homeland Security, hearing on Terrorist Travel—Programs and Funding, 10 a.m., H–405 Capitol. This is a CLASSIFIED and CLOSED hearing.

*Committee on Armed Services,* Subcommittee on Military Personnel, hearing on a review of the implementation plans for the repeal of law and policies governing service by openly gay and lesbian service members, 9:30 a.m., 2212 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on Army and Air Force National Guard and Reserve component equipment posture, 11:30 a.m., 2118 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on communications and Technology, hearing on legislation to Clarify NTIA and RUS Authority to Return Reclaimed Stimulus Funds to the U.S. Treasury, 10:30 a.m., 2322 Rayburn. Following the hearing the Subcommittee will hold a markup on the legislation.

Subcommittee on Oversight and Investigations, hearing entitled "The PPACA's High Risk Pool Regime: High Cost, Low Participation," 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Insurance, Housing, and Community Opportunity, hearing on Legislative Proposals to Reform the National Flood Insurance Program, Part II, 10:30 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Africa, Global Health, and Human Rights and the Subcommittee on Europe and Eurasia, joint hearing on the Government of Belarus: Crushing Human Rights at Home? 1:30 p.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Intellectual Property, Competition and the Internet, hearing on Competition and Consolidation in Financial Markets, 11 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Indian and Alaska Native Affairs, hearing entitled "Tribal development of energy resources and the creation of energy jobs on Indian lands," 11 a.m., 1324 Longworth.

*Committee on Ways and Means,* Subcommittee on Health and Oversight, hearing on AARP's organizational structure, management, and financial growth over the last decade, 9 a.m., 1100 Longworth.

*House Permanent Select Committee on Intelligence,* Full Committee, FY 2012 Budget Overview, 9 a.m., 304 HVC. This is a closed hearing.

#### Joint Meetings

*Joint Economic Committee:* To hold hearings to examine the employment situation for March 2011, 9:30 a.m., SD–106.

*Next Meeting of the* SENATE

2 p.m., Monday, April 4

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, and after a period of debate, vote on confirmation of the nomination, at approximately 5:30 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday, April 1

House Chamber

**Program for Friday:** Complete consideration of H.R. 658—FAA Reauthorization and Reform Act of 2011. Consideration of H.R. 1255—Government Shutdown Prevention Act of 2011 (Subject to a Rule).

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