AMENDMENT NO. 740

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 740 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOEVEN (for himself, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BEGICH, Ms. AYOTTE, Mrs. SHAHEEN, Mr. PORTMAN, Mr. RISCH, Mr. COATS, Mr. CHAMBLISS, Mr. LEE, Mr. GRAHAM, Mr. BLUMENTHAL, Mr. MANCHIN, Mr. ALEXANDER, Mr. MCCAIN, Mr. TOOMEY, Mr. ENZI, Mr. KIRK, Mr. BARRASSO, Mr. MCCONNELL, Mr. COBURN, Mr. SCOTT, Mr. INHOFE, Mr. GRASSLEY, Mr. HEINRICH, Mr. ROBERTS, Mr. CRAPO, Mr. JOHNSON of Wisconsin, Mr. JOHANNS, Mr. PAUL, Mr. COCHRAN, Mrs. FISCHER, Mr. SESSIONS, Mr. WICKER, Mr. BLUNT, Mr. BOOZMAN, Mr. RUBIO, and Mr. HATCH):

S. 794. A bill to prevent an increase in flight delays and cancellations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOEVEN. Mr. President, I rise this morning to introduce legislation. The legislation is entitled the ''Dependable Air Service Act.'' It is a very simple, straightforward solution to the issue of the furloughs of air traffic controllers, and I would like to take just a few minutes to describe it.

This is bipartisan legislation. I would like to start out by thanking my cosponsors. The lead cosponsor is Senator AMY KLOBUCHAR of Minnesota, but other cosponsors are Senator JOHN CORNYN of Texas, Senator ROB PORTMAN of Ohio, Senator KELLY AYOTTE, Senator RISCH of Idaho, and also Senator JEAN SHAHEEN of New Hampshire. As one can see, it is bipartisan legislation. These are original cosponsors on the bill with me, and we will have more, as we are talking to others.

As I said, this is a very simple, straightforward solution to the issue we face of delays in our airports across the country because of the furloughs to air traffic controllers. What the bill does is to say to the Administrator of the FAA—the Federal Aviation Administration, Administrator Huerta—that he can use dollars within his budget, move them around as he needs to move them around, and that is what he needs to do—to move dollars around within his budget so he does not have to take $206 million out of the salary line of the air traffic controllers. He can then decide what reductions he can make in those salaries and what level of furloughs he can make to air traffic controllers but still maintain air service on an on-time basis, so we have dependable on-time air service across this country for our citizens.

Further, it provides that if for any reason the FAA Administrator, within his budget, cannot fully accomplish that, then the Secretary of Transportation, Mr. LaHood, can work with him to utilize funds within the budget of the Department of Transportation. It provides the authority, quite simply, to move the dollars around within the budget of the DOT—Department of Transportation—and gives the Secretary that authority to make sure they do not furlough more air traffic controllers than are needed to keep our air flights on time, to keep service, of course, safe and dependable so the traveling public can be assured their flights are going to be on time.

The FAA has announced they are furloughing about 1,500 air traffic controllers, which is about 10 percent of their total air traffic controller workforce. They are doing this to save $206 million of the roughly $630 million to $640 million the FAA is reducing under sequestration. They have the authority to move 2 percent of their operating budget without congressional approval, and they have the authority to move up to 5 percent of their operational budget around with congressional approval, which means coming to the Appropriations Committee and getting approval to move up to that 5 percent. But FAA Administrator Huerta has said that is not a sufficient amount to make the adjustments he needs to make within the FAA budget to address the furlough issue.

So what this bill does, quite simply, is it says: Look, you can move the dollars as you need to within your budget. You have the flexibility and the authority to do that. Do that. And if for any reason that isn't sufficient, then Secretary LaHood can backstop that through the Department of Transportation dollars.

To put this into perspective, the total budget for the Department of Transportation is $72 billion—$72 billion—and the total cuts throughout DOT, which includes the FAA, under sequestration is about $1 billion—$1 billion. The FAA is taking $637 million of that reduction. Of course, the real issue we are dealing with in terms of flight delays is that about $206 million comes out of the air traffic controller salary line. So what we are saying is: Look, make some reductions, find some economies, do what you can within the air traffic controller line, just as you are doing across the budget. We should all be doing that because the Federal Government has a huge deficit. We have a huge debt. We have to find ways to reduce spending. So we are all in this together and we have to find sensible, commonsense ways to minimize the impact to the public. We have to, with that approach, find savings. So find the savings you can in terms of how many air traffic controllers you can truly furlough and then move the dollars you have to in order to be sure we do not impact the traveling public.

Again, this is a bipartisan bill. This is a simple—straightforward solution to the issue, and we need to do it. We need to do it.

On Monday, reports were there were 1,200 flights delayed across the country. At airports in New York, in Dallas, and in Los Angeles, some of those flights were up to several hours. What the FAA has indicated is that up to 6,700 flights a day out of the roughly 23,000-plus flights a day may be delayed because of these air traffic controller furloughs. There is no reason for that. So I want the public to know we are putting forth a simple, straightforward bipartisan solution that still saves the dollars we need to save but gives the simple, straightforward flexibility that is necessary—both within FAA and DOT, if necessary—to make the adjustments, to make sure those flights are on time for the traveling public.

I called Secretary LaHood yesterday. I said: What do you think? He said: I think that will work fine. Great. Let's work together. Let's do it.

We talked to the airlines association. We talked to the FAA Administrator and said: What do you think? The air traffic controllers union: What do you think? They all seemed to say: Commonsense, simple, straightforward. Let's do it.

Let's make sure we solve problems for the American public. They need to know that not only are their flights safe, they need to know they are dependable. They need to know when they show up at the airport that airplane is going to leave when they expect it to leave. It is important for our families, it is important for our businesses, it is important for the economy of this country, and it is easily solved. So let's do it.

I ask my colleagues to join me in this legislation.

By Mr. DURBIN (for himself and Mr. KIRK):

S. 796. A bill to designate the facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, as the ''James R. Burgess Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today along with my colleague Senator MARK KIRK, I introduced a bill to name the United States Postal Service facility at 302 East Green Street in Champaign, Illinois, as the James R. Burgess Jr. Post Office Building.

I am proud to introduce this measure to honor Mr. Burgess, an accomplished Illinois war veteran and public servant. Mr. Burgess served his country honorably in World War II and after. At age 29, he led one of six companies in the 761st Tank Battalion, the first African-American armored unit to enter battle in World War II. The 761st served under General George Patton. After the war, he remained in the military, serving in Army intelligence. As part of his training, Mr. Burgess attended both German

and Russian language school. He retired from the Army in 1962 with a ''top secret'' clearance.

After his military career, Mr. Burgess moved his wife and two sons to Champaign where he earned a law degree from the University of Illinois. After moving to Chicago for a time, the family eventually returned to Champaign where Mr. Burgess worked for the Champaign County State's Attorney. In 1972, he was elected to the post himself. He became the first and, to this day, the only African American elected to county-wide office in Champaign County.

In 1977, President Jimmy Carter appointed Mr. Burgess to be United States Attorney for what was then the Eastern District of Illinois. He held that position until 1982. Mr. Burgess passed away in 1997.

I look forward to working with my colleagues in the House and Senate to complete the effort long-undertaken by his loving son, Steve, and family to honor this worthy Illinoisan and patriotic American.

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. 796

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

SECTION 1. JAMES R. BURGESS JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, shall be known and designated as the ''James R. Burgess Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''James R. Burgess Jr. Post Office Building''.

By Mr. CORNYN:

S. 800. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Department of Veterans Affairs Health Care Center at Harlingen, located in Harlingen, Texas, includes a full-service inpatient health care facility of the Department of Veterans Affairs, to redesignate such center, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CORNYN. 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. 800

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 ''Treto Garza Far South Texas Veterans Inpatient Care Act of 2013''.

SEC. 2. INPATIENT HEALTH CARE FACILITY AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY IN HARLINGEN, TEXAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in Far South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in Far South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest Department of Veterans Affairs hospital for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(6) The Department of Veterans Affairs employs an annual Strategic Capital Investment Planning process to ''enable the VA to continually adapt to changes in demographics, medical and information technology, and health care delivery'', which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department of Veterans Affairs, final approval of the Strategic Capital Investment Planning priority list serves as the ''building block'' of the annual budget request for the Department.

(8) Arturo ''Treto'' Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former co-chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the South Texas VA Health Care Center at Harlingen, located in Harlingen, Texas.

(b) REDESIGNATION OF SOUTH TEXAS DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE CENTER.—

(1) IN GENERAL.—The South Texas Department of Veterans Affairs Health Care Center at Harlingen, located in Harlingen, Texas, is redesignated as the ''Treto Garza South Texas Department of Veterans Affairs Health Care Center''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the medical facility of the Department of Veterans Affairs referred to in paragraph (1) shall be deemed to be a reference to the ''Treto Garza South Texas Department of Veterans Affairs Health Care Center''.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of the Department a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term ''Far South Texas'' means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. HARKIN, and Mrs. MURRAY):

S. 805. A bill to improve compliance with mine and occupational safety and health laws, and empower workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to discuss mine safety, a critical issue to my state and the tens of thousands of miners across the Nation.

Earlier this month we observed the third anniversary of the Upper Big Branch mine disaster which killed twenty nine of our Nation's miners. That disaster, the most deadly in decades, shocked the country and made us realize that we must aggressively and continually seek to make mining safer and we cannot rest—because no number of deaths or accidents is acceptable.

In the past 3 years we have seen some positive steps in our Nation's mine safety efforts.

As part of the Dodd-Frank bill we required publicly-traded mining companies to report safety information to their shareholders through their public filings with the Securities and Exchange Commission.

Congress provided additional funds, $22 million, for MSHA and the Federal Mine Safety and Health Review Commission to reduce the appeals backlog, enforce mine safety laws and investigate the Upper Big Branch Disaster.

MSHA has also pursued increased enforcement actions through their impact inspections that target violations at unsafe mines with poor compliance history or specific safety concerns. As of March 2013, the Administration had conducted 579 impact inspections, resulting in 10,036 citations, 946 orders, and 43 safeguards.

The administration has finalized rules to improve the broken ''Pattern

of Violations'' process to better pursue repeat offenders.

While we have had these improvements we also know that 97 miners have died on the job since this tragedy. That is 97 new grieving families. That is unacceptable to me, and I think to most people.

So it is clear that we must do more.

That is why today I am reintroducing my comprehensive mine safety legislation the Robert C. Byrd Mine and Workplace Safety and Health Act of 2013. We do incredibly important things in this bill including.

We give MSHA expanded authority to subpoena documents and testimony. Currently, MSHA does not have the authority to subpoena documents or testimony from operators outside the context of a formal, public hearing. MSHA should have this authority in the context of investigations and inspections as well as public hearings.

We provide for an independent investigation of the most serious accidents. The bill creates an independent panel, comprised of a team of independent experts, to investigate the actions of both the operator and MSHA for serious accidents, including any accident involving three or more deaths.

We strengthen whistleblower protections for miners who speak out about unsafe conditions. This bill will require one hour annually of ''miner's rights training'' to inform workers of the law's protections, give miners an express right to refuse unsafe work, expand the time limit for filing a complaint about retaliation from 60 to 180 days, and authorize punitive damages and criminal penalties for retaliation against workers who raise safety concerns.

We increase maximum penalties. Currently, criminal violations of mine safety laws are a misdemeanor for a first offense. To provide a strong deterrent for such serious misconduct, the penalties for knowing violations of safety standards will be raised to the felony level, including providing felony penalties for miners, operators, and government officials who knowingly provide advance notice of inspections.

We also increase civil penalties for making unsafe ventilation changes and violating mandatory health or safety standards for rock dusting or failing to keep the records required. These are areas of particular concern that were highlighted by investigations conducted by the Mine Safety and Health Administration, the United Mine Workers of America, and the Governor's Independent Investigation.

We limit Miners' Exposure to Black Lung Disease. This debilitating disease is on the rise among a new generation of coal miners. Specifically, the provision would require that MSHA issue a rule within 6 months, a rule that is long overdue, to lower exposure levels to respirable dust which would provide the maximum feasible protection that is achievable through environmental controls. It would also require that MSHA reexamine the incidence of black lung disease every 5 years and, unless there is a decline in black lung, update the regulations again. More than 70 percent of the victims tested at Upper Big Branch were determined to have signs of black lung disease.

We improve Federal and State Coordination to Combat Safety Violations. The Governor's Independent Investigation Panel recommended that Federal and State agencies immediately work together to address safety problems at mines right after they are found out, and this provision would strongly encourage such actions.

I want to be very clear that I will not give up on fighting for the safety and health of our Nation's miners. Health and safety are issues that people shouldn't have to compromise on. I will continue this fight for West Virginia's miners and it is my hope that more of my colleagues will join me in these efforts.

Mr. HARKIN. Mr. President, I strongly support the Robert C. Byrd Mine and Workplace Safety Act. This bill brings the Nation's mine health and safety laws up to date, gives mine safety officials the ability to effectively investigate and shut down habitually dangerous mines, and holds mine operators accountable for putting their workers in unnecessary danger.

It has been over 3 years since April 5, 2010, when a massive explosion ripped through Massey Energy's Upper Big Branch Mine in West Virginia, tragically killing 29 miners. As the son of a coal miner, I continue to feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day comes when no hard-working American has to sacrifice his or her life for a paycheck.

The Upper Big Branch catastrophe spurred numerous investigations, and the resulting reports have yielded insight into specific ways that the government can act to improve the health and safety of our Nation's miners. Under the leadership of Joe Main, the Mine and Safety Health Administration has already taken many such important steps. One of their bold new safety initiatives that flowed from the Upper Big Branch explosion was to overhaul the ''pattern of violations'' process, which targets the worst actors in the mining industry. The pattern of violations regulation addresses a root cause of the Upper Big Branch disaster by strengthening worker protections at mines where operators are repeatedly and flagrantly disregarding safety rules. It is a substantial step forward that will help address the problems at our most dangerous mines before disaster strikes. And MSHA has made similar progress on other recommendations stemming from the Upper Big Branch disaster. Indeed, according to a March 31, 2013, report from the Labor Department's Office of Inspector General, MSHA has already implemented or is on track to timely address all of the 100 recommendations with deadlines from the investigative teams that studied the Upper Big Branch explosion.

I applaud these efforts wholeheartedly, and I am pleased to mark our Nation's progress in mine safety reform. On-the-job deaths of miners reached a record low in 2012 of 35. But 35 deaths means 35 brothers, sons, uncles, and fathers were stolen away from their families last year—a number that is still far too high. Catastrophes like the Upper Big Branch explosion make it clear that our work here is unfinished.

To prevent yet another disaster and more unnecessary deaths, Congress must do its part. It is time for the Senate to take action and ensure that a disaster like the Upper Big Branch explosion will never happen again. We need to strengthen the oversight system for the most dangerous mines, fortify penalties for operators who willfully put miners at risk, and make sure miners are protected if they raise safety concerns. And that is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act of 2013. This bill is an important step in making good on an obligation we have to health and safety of our courageous miners and their families.

This bill stands for some fundamental principles I believe are shared by all Americans.

We believe that every American deserves to go to work without fearing for his or her life.

We believe that responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees.

We believe that employers who put workers' lives at risk should face serious consequences that will force them to change their ways.

We believe that companies shouldn't be able to hide behind high priced lawyers and convoluted corporate structures to avoid being held accountable for their actions.

We believe that the critical agencies charged with protecting workers' lives should have all the tools they need to get the job done.

We believe that whistleblowers are the first line of defense in safe workplaces and deserve strong protection from discrimination and retaliation.

The Robert C. Byrd Mine and Workplace Safety Act of 2013 reflects these core principles and includes effective policies to achieve them. Its passage would be a major step forward for workplace safety.

This legislation also makes common sense reforms to the Occupational Safety and Health Act, OSHA, which has not been significantly updated since it was passed over 40 years ago. For example, whistleblower protections under the OSH Act are toothless and unfairly tilted against workers

who risk their career to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert C. Byrd Mine and Workplace Safety Act of 2013, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also updates OSHA civil penalties—which have been unchanged since 1990—and sets a minimum penalty of $50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to workers when investigating charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case. Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

I hope that my colleagues on both sides of the aisle will support the Robert C. Byrd Mine and Workplace Safety Act of 2013. This important bill would take a tremendous step forward for mine safety and could ultimately save the lives of thousands of hard-working Americans.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 109—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR DURING THE DRAWDOWN OF FORCES IN AFGHANISTAN

Mr. TOOMEY (for himself, Mr. CASEY, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 109

Whereas the United States is a country of great honor and integrity;

Whereas the United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten; and

Whereas the United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of the people of the United States;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that ''I will never leave a fallen comrade''; and

(4) believes that, while the United States continues to transition leadership roles in combat operations in Afghanistan to the people of Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

SENATE RESOLUTION 110—TO PREVENT THE CREATION OF DUPLICATIVE AND OVERLAPPING FEDERAL PROGRAMS

Mr. COBURN (for himself and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Preventing Duplicative and Overlapping Government Programs Resolution''.

SEC. 2. REPORTED LEGISLATION.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

SEC. 3. CONSIDERATION OF LEGISLATION.

Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.

''(b) The analysis and explanation required by this subparagraph shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

''(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of—

''(1) a significant disruption to Senate facilities or to the availability of the Internet; or

''(2) an emergency as determined by the leaders.''.

SENATE RESOLUTION 111—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. REID (for Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. THUNE, and Mr. BLUNT)) submitted the following resolution; which was considered and agreed to:

S. RES. 111

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''One Call'' has helped reduce the number of digging damages caused by failure to call before digging from 48 percent in 2004 to 26 percent in 2011;

Whereas the 1,600 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines;