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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 14, 2011.

I hereby appoint the Honorable ROB BISHOP 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 1:50 p.m.

AMERICA'S DEBT

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

Mr. CAMPBELL. Mr. Speaker, the President today released his budget, and it is a pretty ugly thing.

We reach another record deficit next year in his projection and we have deficits that go on as far as the eye can see. We are rapidly heading towards the time when our national debt will equal the economy; 100 percent of GDP. The last time that occurred was in 1944 and 1945, when we were fighting World War II.

There is a big difference between now and then. Then, we were fighting a war. At some point, that war would end and the spending would drop. In fact, it did. After 1945, we didn't reach that level of spending again for 30 years. However, this time, the spending is projected to increase every year as far as the eye can see.

Then, we financed this debt by Americans through war bonds. Americans financed their own debt. Today, 47 percent of our debt is held by foreigners. We are giving them a power and a control over us. But almost more importantly, back then we were fighting a world war to preserve freedom and our way of life, and that's what drove the deficit and the debt.

Today, our deficit and our debt are driven largely as we create bureaucracies, free health care and free retirement plans that the person receiving them doesn't have to pay for, and, in fact, no one in this generation is going to have to pay for. This debt is from the wrong place, it is for the wrong reasons, and it will be with us until as far as we can see.

This debt is now the greatest threat to the prosperity, security, and hegemony of the United States of America.

Our economy is like a patient, like a person. We have an infection; we have an infection of debt. If allowed to continue, that infection will kill the patient. In the last 4 years, the Democratic Congress and this President in the last 2 years have made this infection much worse, and it has grown and it has festered such that the condition of the patient is substantially worse than just 4 years ago. We have to kill this infection before it kills us.

We have three strong antibiotics we can give it. First, reduce spending. Second, raise revenues by growing the economy. Raising tax rates at this level will not raise revenue. And, reform the entitlements, which are the majority of our spending.

This week, we will start with the first of those antibiotics. We will begin for the first time in a long time to actually reduce spending instead of just to talk about how much it's going to grow.

Now, there are those who are decrying on both sides of the aisle how much we are cutting or reducing. I submit to you, Mr. Speaker, that the bill that's coming before us tomorrow doesn't actually cut enough.

You know, we have increased discretionary spending—that's the spending over which Congress has annual control—by 38 percent in the last 4 years, since 2006. Now, in that 4 years there hasn't been a lot of inflation. Mr. Speaker, have most Americans seen their spending increase by 38 percent? Have most Americans seen their income go up by 38 percent? No. Was the government so bad 4 years ago when we were spending 38 percent less that it couldn't function? Were there great tragedies and trials on the street that we don't have today because we increased spending by 38 percent? No. We have to act and we have to reduce spending, and there is plenty of spending to reduce.

Mr. Speaker, this debt is our greatest national security threat. This debt is the challenge of our generation. We must be up to that challenge. Let us not fail. Let us begin now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

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□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history and ever-present to our needs, this weekend the commemoration of President Abraham Lincoln's birth brought to mind stirring words he wrote in 1863:

''We have been the recipients of the choicest bounties of Heaven; we have been preserved these many years in peace and prosperity; we have grown in numbers, wealth and power as no other nation has ever grown.

''But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us. We have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient, too proud to pray to the God that made us.''

So it seems fitting and proper that God should today be solemnly, reverently, and gratefully acknowledged with one heart and one voice by the whole American people.

Therefore, in that same Spirit and with the words of President Lincoln himself, ''I invite you my fellow citizens to thank and praise our gracious Father who dwells in the heavens'' and beg for God's continued hand of blessing upon our Nation.

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.

Mr. SCHOCK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

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

Mr. SCHOCK 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.

THE POWER OF PEACE

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

Mr. KUCINICH. Mr. Speaker, on this day when around the world we celebrate the transformative power of love, it is also appropriate for us to think about a world as one, that the world, in fact, is interdependent, interconnected; and if we can have this realization of the power of love, then we can also have a realization of the power of peace.

Peace is not simply the absence of war. It is an active presence of an understanding of the capacity that we have to relate to each other in a way which is not only nonviolent but which is loving.

So on this day when we think about love, let us also think about peace. Let us think about peaceful relations at home and peaceful relations with people around the world.

RECESS

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

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1710

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHOCK) at 5 o'clock and 10 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 14, 2011, at 2:35 p.m., and said to contain a message from the President whereby he submits his Budget of the United States Government for Fiscal Year 2012.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

America is emerging from the worst recession in generations. In 2010, an economy that had been shrinking began to grow again. After nearly 2 years of job losses, America's businesses added more than one million jobs. Our capital and credit markets are functioning and strong. Manufacturing is coming back. And after teetering on the brink of liquidation just 2 years ago, America's auto industry is posting healthy gains and returning money to the taxpayers who helped it through a period of turmoil. The determination and resilience of the American people and the tough choices we made over the past 2 years helped to pull our economy back from the brink of a second Great Depression.

Two years after those dark days, the stock market is booming. Corporations are posting record profits. Momentum is building. Yet, in America, we have always had a broader measure of economic health. We believe in a country where everyone who is willing to work for it has the opportunity to get ahead; where the small businessperson with a dream or entrepreneur with a great new idea has their best chance to make them a reality; where any child can go as far as their talent and tenacity will take them. That is the genius of America. That spirit is what has built the greatest prosperity the world has ever known.

So even as recovery begins to take hold, we have more work to do to live up to our promise by repairing the damage this brutal recession has inflicted on our people, generating millions of new jobs, and seizing the economic opportunities of this competitive, new century.

These must be the priorities as we put together our Budget for the coming year. The fiscal realities we face require hard choices. A decade of deficits, compounded by the effects of the recession and the steps we had to take to break it, as well as the chronic failure to confront difficult decisions, has put us on an unsustainable course. That's why my Budget lays out a path for how we can pay down these debts and free the American economy from their burden.

But in an increasingly competitive world in which jobs and businesses are mobile, we also have a responsibility to invest in those things that are absolutely critical to preparing our people and our Nation for the economic competition of our time.

We do this by investing in and reforming education and job training so

that all Americans have the skills necessary to compete in the global economy. We do this by encouraging American innovation and investing in research and development—especially in the job-creating industries of tomorrow such as clean energy. We do this by rebuilding America's infrastructure so that U.S. companies can ship their products and ideas from every corner in America to anywhere in the world. And finally, we do this by coming together as Americans, not Democrats or Republicans, to make the tough choices that get America's fiscal house in order, investing in what works, cutting what doesn't, and changing the way business is done in Washington.

Growing the economy and spurring job creation by America's businesses, large and small, is my top priority. That's why, over the course of the last year, I pushed for additional measures to jump-start our economic recovery: tax credits for businesses that hire unemployed workers; assistance to States to prevent the layoffs of teachers; and tax cuts and expanded access to credit for small businesses. At the end of the year, I signed into law a measure that provided tax cuts for 159 million workers saving the typical worker $1,000 per year. And the same law extended important tax credits to help families make ends meet and afford to send their kids to college. This bipartisan tax cut plan also gave businesses two powerful incentives to invest and create jobs: 100 percent expensing on the purchase of equipment and an extension of the research and experimentation tax credit.

Moreover, my Administration has moved aggressively to open markets abroad and boost exports of American made goods and services, signing a new trade agreement with South Korea, the twelfth-largest economy in the world. And last month, I laid out a balanced approach to regulation that is pragmatic, driven by data, and that will protect the health and well-being of the American people and help lay the groundwork for economic growth and job creation.

These steps will help the economy this year. But it is also essential that we take stock and look to the future—to what kind of America we want to see emerge from this crisis and take shape for the generations of Americans to come. This Budget lays out our roadmap not just for how we should invest in our economy next year, but how we should start preparing our Nation to grow, create good jobs, and compete in the world economy in the years ahead.

At its heart is a recognition that we live in a world fundamentally different than the one of previous generations. Revolutions in communication and technology have made businesses mobile and commerce global. Today, a company can set up shop, hire workers, and sell their products wherever there is an Internet connection. It is a transformation that has touched off a fierce competition among nations for the jobs and industries of the future.

The winners of this competition will be the countries that have the most skilled and educated workers; a serious commitment to research and technology; and access to quality infrastructure like roads and airports, high-speed rail, and high-speed Internet. These are the seeds of economic growth in the 21st century. Where they are planted, the most jobs and businesses will take root.

In the last century, America's economic leadership in the world went unchallenged. Now, it is up to us to make sure that we maintain that leadership in this century. At this moment, the most important contest we face as a Nation is not between Democrats and Republicans or liberals and conservatives. It's between America and our economic competitors around the world.

There is no doubt in my mind that we can win this competition. The United States is home to the world's best universities and research facilities, the most brilliant scientists, the brightest minds, and some of the hardest-working, most entrepreneurial people on Earth. But our leadership is not guaranteed unless we redouble our efforts in the race for the future.

In a generation, we've fallen from first place to ninth place in the proportion of our young people with college degrees. We lag behind other nations in the quality of our math and science education. The roads and bridges that connect the corners of our country and made our economy grow by leaps and bounds after World War II are aging and in need of repair. Our rail and air traffic systems are in need of modernization, and our mobile networks and high-speed Internet access have not kept pace with some of our rivals, putting America's businesses and our people at a competitive disadvantage.

In 1957, when the Soviet Union beat us into space by launching a satellite called Sputnik, it was a wake-up call that caused the United States to boost our investment in innovation and education—particularly in math and science. As a result, we not only surpassed the Soviets, we developed new American technologies, industries, and jobs. Fifty years later, our generation's Sputnik moment has arrived. Our challenge is not building a new satellite, but to rebuild our economy. If the recession has taught us anything, it is that we cannot go back to an economy driven by too much spending, too much borrowing, and the paper profits of financial speculation. We must rebuild on a new, stronger foundation for economic growth. We need to do what America has always been known for: building, innovating, and educating. We don't want to be a nation that simply buys and consumes products from other countries. We want to create and sell products all over the world that are stamped with three simple words: ''Made in America.''

My Budget makes investments that can help America win this competition and transform our economy, and it does so fully aware of the very difficult fiscal situation we face. When I took the oath of office 2 years ago, my Administration was left an annual deficit of $1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than $8 trillion. These deficits were the result of a previous 8 years of not paying for programs—notably, two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that exacerbated our fiscal situation as revenue decreased and automatic Government outlays increased to counter the recession and cushion its impact.

We took many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going line by line through the budget looking for outdated, ineffective, or duplicative programs to cut or reform. And, most importantly, we enacted the Affordable Care Act. Along with giving Americans more affordable choices and freedom from insurance company abuses, reform of our health care system will, according to the latest analysis by the non-partisan Congressional Budget Office, reduce our budget deficits by more than $200 billion in its first decade and more than $1 trillion over the second.

Now that the threat of a depression has passed, and economic growth is beginning to take hold, taking further steps toward reducing our long-term deficit has to be a priority, and it is in this Budget. The reason is simple: in the long run, we will not be able to compete with countries like China if we keep borrowing more and more from countries like China. That's why in this Budget, I put forward a number of steps to put us on a fiscally sustainable path.

First, I am proposing a 5-year freeze on all discretionary spending outside of security. This is not an across-the-board cut, but rather an overall freeze with investments in areas critical for long-term economic growth and job creation. A commonsense approach where we cut what doesn't work and invest in those things that make America stronger and our people more prosperous. Over a decade, this freeze will save more than $400 billion, cut non-security funding to the lowest share of the economy since at least 1962, and put the discretionary budget on a sustainable trajectory.

Making these spending cuts will require tough choices and sacrifices. One of them is the 2-year freeze on Federal civilian worker salaries. This is in no way a reflection on the dedicated service of Federal workers, but rather a necessary belt-tightening measure during these difficult times when so many private sector workers are facing similar cuts. This Budget also includes many terminations and reductions to programs across the entire Federal Government. These cuts include many

programs whose mission I care deeply about, but meeting our fiscal targets while investing in our future demands no less. All told, we have put forward more than 200 terminations and reductions for over $30 billion in savings.

Even in areas outside the freeze, we are looking for ways to save money and cut unnecessary costs. At the Department of Defense, for instance, we are reducing its funding by $78 billion over the next 5 years on a course for zero real growth in funding. To do this, Secretary Gates is pursuing a package of terminations, consolidations, and efficiencies that include, for example, the elimination of the Marine Corps Expeditionary Fighting Vehicle; the consolidation of four Air Force air operations centers into two; and reducing the number of Generals and Admirals by more than 100. And throughout the entire Government, we are continuing our efforts to make Government programs and services work better and cost less: using competition and high standards to get the most from the grants we award, getting rid of excess Federal real estate, and saving billions of dollars by cutting overhead and administrative costs.

Second, I continue to oppose the permanent extension of the 2001 and 2003 tax cuts for families making more than $250,000 a year and a more generous estate tax benefiting only the very largest estates. While I had to accept these measures for 2 more years as a part of a compromise that prevented a large tax increase on middle-class families and secured crucial job-creating support for our economy, these policies were unfair and unaffordable when enacted and remain so today. I will push for their expiration in 2012. Moreover, for too long we have tolerated a tax system that's a complex, inefficient, and loophole-riddled mess. For instance, year after year we go deeper into deficit and debt to pay to prevent the Alternative Minimum Tax (AMT) from hurting many middle-class families. As a start, my Budget proposes a 3-year fix to the AMT that is paid for by an across-the-board 30 percent reduction in itemized deductions for high-income taxpayers. My Administration will work with the Congress on a long-term offset for these costs.

Third, to address looming, long-term challenges to our fiscal health, the Budget addresses future liabilities in the unemployment insurance system; the Pension Benefit Guaranty Corporation, which protects the pensions of workers whose companies have failed; and the Federal Housing Administration, which plays a critical role in affordable housing. It also is committed to implementing the Affordable Care Act swiftly and efficiently since rising health care costs are the single biggest driver of our long-term fiscal problems. Finally, as a down payment toward a permanent fix, the Budget proposes additional reforms to our health care system that would be sufficient to pay for 2 years of fixing the Medicare's sustainable growth rate, thus preventing a large cut in Medicare reimbursements for doctors that would jeopardize care for older Americans.

In addition, I believe that we need to act now to secure and strengthen Social Security for future generations. Social Security is a solemn commitment to America's seniors that we must preserve. That is why I have laid out my principles for reform and look forward to working with the Congress on ensuring Social Security's compact for future generations.

As we move to rein in our deficits, we must do so in a way that does not cut back on those investments that have the biggest impact on our economic growth because the best antidote to a growing deficit is a growing economy. So even as we pursue cuts and savings in the months ahead, we must fund those investments that will help America win the race for the jobs and industries of the future—investments in education, innovation, and infrastructure.

In an era where most new jobs will require some kind of higher education, we have to keep investing in the skills of our workers and the education of our children. And that's why we are on our way to meeting the goal I set when I took office: by 2020, America will once again have the highest proportion of college graduates in the world.

To get there, we are making college more affordable for millions of students, through the extension of the American Opportunity Tax Cut and maintaining our historic expansion of the Pell Grant program while putting it on firm financial footing. We are taking large steps toward my goal of preparing 100,000 science, technology, engineering, and mathematics teachers over the next decade. And we are continuing our reform of elementary and secondary education—not from the top-down, but from the bottom-up. Instead of indiscriminately pouring money into a system that doesn't always work, we are challenging schools and States to compete in a ''Race to the Top'' to see who can come up with reforms that raise standards, recruit and retain good teachers, and raise student achievement, especially in math and science. We are expanding the ''Race to the Top'' to school districts, and since in today's economy learning must last a lifetime, we are extending this competitive framework to early childhood education, universities and colleges, and job training.

Once our students graduate with the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today's high-tech, global economy, that means the United States must be the best place to do business and the best place to innovate. That will take reforming our tax code, and I am calling for immediate action to rid the corporate tax code of special interest loopholes and to lower the corporate rate to restore competitiveness and encourage job creation—while not adding a dime to the deficit.

And since many companies do not invest in basic research that does not have an immediate pay off, we—as a Nation—must devote our resources to these fundamental areas of scientific inquiry. In this Budget, we are increasing our investment in research and development that contributes to fields as varied as biomedicine, cyber-security, nano-technology, and advanced manufacturing. We are eliminating subsidies to fossil fuels and instead making a significant investment in clean energy technology—boosting our investment in this high-growth field by a third—because the country that leads in clean energy will lead in the global economy. Through a range of programs and tax incentives, this Budget supports my goals of the United States becoming the first country to have one million electric vehicles on the road by 2015 and for us to reach a point by 2035 where 80 percent of our electricity will come from clean energy sources. We also are working toward a 20 percent decrease in energy usage in commercial and institutional buildings by 2020, complementing our ongoing efforts to improving the efficiency of the residential sector. If this is truly our Sputnik moment, we need a commitment to innovation that we have not seen since President Kennedy challenged us to go to the moon.

To flourish in the global economy, we need a world-class infrastructure—the roads, rails, runways, and information superhighways that are fundamental to commerce. Over the last 2 years, our investments in infrastructure projects already have led to hundreds of thousands of good private sector jobs and begun upgrading our infrastructure across the country. But we still have a long way to go.

In this Budget, I am proposing a historic investment in repairing, rebuilding, and modernizing our transportation infrastructure. The Budget features an immediate, up-front investment of $50 billion to both generate jobs now and lay a foundation for future economic growth. Looking toward the future, the Budget provides funds to develop and dramatically expand access to high-speed rail as well as the creation of a National Infrastructure Bank to support projects critical to our national competitiveness. While this transportation bill is a major investment of funds, it is also a major reform of how transportation funds have been invested in the past. We are committing to paying for our surface transportation plan and making it subject to the Congress' pay-as-you-go law; to consolidating duplicative, earmarked programs; and to making tens of billions of dollars of funds subject to a competitive ''Race to the Top'' process.

And looking to what we will need to thrive in the 21st century, I am proposing an ambitious effort to speed the development of a cutting-edge, high-speed wireless data network that will reach across our country to 98 percent of Americans and provide for the needs

of both our citizens and our first responders. We are the Nation that built the transcontinental railroad and the first airplanes to take flight. We constructed a massive interstate highway system and introduced the Internet to the world. America has always been built to compete, and if we want to attract the best jobs and businesses to our shores, we have to be that Nation again.

Finally, to make it easier for our businesses and workers to sell their products all over the globe, we are working toward our goal of doubling U.S. exports by 2014. This will take specific efforts to open up markets and promote American goods and services. It also will take maintaining American leadership abroad and ensuring our security at home. This Budget invests in all elements of our national power—including our military—to achieve our goals of winding down the war in Iraq; defeating al Qaeda in Afghanistan and around the world; reducing the threat of nuclear weapons; and preparing our Nation for emerging threats. We also invest resources to provide for our men and women in uniform and to honor the service of our veterans. And we do this all with an eye to cutting waste, finding efficiencies, and focusing resources on what is essential to our security.

Throughout our history, the investments this Budget makes—in education, innovation, and infrastructure—have commanded support from both Democrats and Republicans. It was Abraham Lincoln who launched the transcontinental railroad and opened the National Academy of Sciences; Dwight Eisenhower who helped build our highways; and Republican Members of Congress who worked with Franklin Roosevelt to pass the GI Bill. In our own time, leaders from both sides of the aisle have come together to invest in our infrastructure, create incentives for research and development, and support education reform such as those my Administration has been pursuing. Moreover, when faced with tough, fiscal challenges, our country's leaders have come together to find a way forward to save Social Security in the 1980s and balance the budget in the 1990s.

There are no inherent ideological differences that should prevent Democrats and Republicans from making our economy more competitive with the rest of the world. We are all Americans, and we are all in this race together. So those of us who work in Washington have a choice to make in this coming year: we can focus on what is necessary for each party to win the news cycle or the next election, or we can focus on what is necessary for America to win the future.

I believe we must do what this moment demands, and do what we must to spur job creation and make the United States competitive in the world economy. For as difficult as the times may be, the good news is that we know what the future could look like for the United States. We can see it in the classrooms that are experimenting with groundbreaking reforms and giving children new math and science skills at an early age. We can see it in the wind farms and advanced battery factories that are opening across America. We can see it in the laboratories and research facilities all over this country that are churning out discoveries and turning them into new startups and new jobs.

And when you meet these children and their teachers, these scientists and technicians, and these entrepreneurs and their employees, you come away knowing that despite all we have been through these past 2 years, we will succeed. The idea of America is alive and well. As long as there are people willing to dream, willing to work hard, and willing to look past the disagreements of the moment to focus on the future we share, I have no doubt that this will be remembered as another American century.

BARACK OBAMA.

THE WHITE HOUSE, *February 14, 2011*.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. ROGERS of Michigan. Mr. Speaker, pursuant to House Resolution 79, I call up the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the bill is considered read.

The text of the bill is as follows:

H.R. 514

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

SECTION 1. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2011'' and inserting ''December 8, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2011'' and inserting ''December 8, 2011''.

The SPEAKER pro tempore. The bill shall be debated for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan for 10 minutes.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise in support of these three provisions of the Patriot Act. I think it's very important that we extend them for a variety of reasons. The lone wolf provision, roving wiretaps, which have been in place for some time, we're not breaking any new ground here. Roving wiretaps have been used by local law enforcement for years in terms of dealing with drug dealers, organized crime. We're simply allowing those roving wiretaps to be extended to those who may be engaged in terrorist activities. Again, not new ground.

Also, importantly, that roving wiretap provision allows us to follow the person, as opposed to the device. Because of the changing technology, somebody can use a cell phone and pitch it and then pick up another one. So rather than having to run back to the court every time, it's much easier to just simply get the warrant for that individual.

Also, the business records provision is something that is extremely important, something that has often been the subject of a great deal of demagoguery, to be perfectly candid, where we have seen folks talk about this as a library provision. It should be noted that many of the 9/11 terrorists used public library or university library computers to make their plane reservations or to confirm those reservations.

The whole point of the Patriot Act is to allow for sharing of information and intelligence between local law enforcement, as well as our intelligence community. That's the point. We want to take down these terrorist cells and operations before they become operational.

Many folks have said that we should not use our military to deal with terrorist threats, that this should be the function of local law enforcement. But many of those same people then will deny the very tools necessary to local law enforcement to take down these terrorist cells.

That's why it's essential that we take the time today to reauthorize these three expiring provisions of the Patriot Act. It is the right thing to do.

And one other thing I wanted to mention about the lone wolf. These lone wolves are a real threat; and allowing us to continue to go after the lone wolf, even if they may not be part of a terrorist organization—we're usually talking about people who are not U.S. persons here—we need to make sure that our intelligence agencies, law enforcement can go after those lone wolves.

We've seen lone wolves. Even though Major Hassan was a U.S. person, that's

the type of person we are concerned about. And we see more of that.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

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

I would like to rise to address H.R. 514, a bill that would reauthorize three expiring provisions of the Patriot Act until December of this year, just 10 months from now.

Like the administration, I would like to see a 3-year extension of these authorities until 2013, similar to Senate bill 289 currently pending in the Senate. This longer term would give our Nation's intelligence and law enforcement agencies the predictability and certainty they need to keep our country safe in getting the politics out of intelligence.

I believe there's no place for politics when it comes to protecting our country and our very way of life. It must be U.S.A. first. A 3-year extension of these authorities would keep the debate about the Patriot Act out of the heart of the election cycle.

I believe including a sunset in the legislation provides the proper checks and balances necessary to ensure we are doing all we can to protect Americans, while also protecting Americans' constitutional rights.

There will be people in my party who will be on both sides of this issue. Everyone deserves a voice when it comes to national security.

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

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 514.

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

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to a distinguished military veteran, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today in support of H.R. 514, an extension of these provisions.

The most important job of the Federal Government is to protect our country and to protect its people. My most important job in Congress is to ensure that I am giving the law enforcement community, within the bounds of the Constitution, the tools that they need to make sure that we stay secure, to make sure that we stay protected.

□ 1720

That is what I consider the utmost call in Members of Congress and the utmost call in members in the military and the law enforcement community.

You are going to hear throughout this debate and you have already heard from so many people that have used these tools in the practice and in implementation in taking out terrorists and taking out organized crime units.

Let me just say, I'm an Air Force pilot. I have been overseas, and I understand the enemy that we face and the determination that they have to bring what we saw on 9/11, to bring that back to the shores of the United States. I also understand that the only thing standing between another 9/11 and a peaceful country like we have been feeling for about the last 10 years is our law enforcement community and our United States military. That makes it essential to listen to those individuals and understand what we need to ensure that we are bringing down terrorist cells where they exist in the United States, and we are continuing to protect ourselves from infiltration overseas.

On the tragic day on 9/11, Americans were united in our understanding that we must work together as a Nation to defeat those who would destroy our way of life. Now it is essential that, even though we haven't been attacked, that we understand that sometimes in the quiet lies the biggest threat, and we never forget that this threat is very, very real.

So I ask my colleagues to rise and join me. I ask my colleagues to ask themselves, which side do they want to be on? Do they want to be on the side that doesn't necessarily understand and recognize that we are going to continue to be assaulted for generations from a group overseas that wants to destroy and harm our way of life? So I ask for your support.

Mr. RUPPERSBERGER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Intelligence Committee.

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in opposition to H.R. 514, which reauthorizes and extends provisions in the Patriot Act that I strongly disagree with. I opposed the passage of the Patriot Act in 2001 for the very same reasons that I rise today.

As a proud member of the Intelligence Committee, I am confident that we can protect our citizens and do it without treading on their rights.

Among the provisions extended in this bill is section 215, which allows the government to gain access to anyone's private, confidential records, including their medical, financial, library, and bookstore records, without first presenting evidence linking those records to a suspected terrorist or spy. It also fails to allow for court oversight of these secret orders, and prohibits the recipient of such orders from challenging the legality of the order for a year.

I think that the challenge here today is, how do we balance the security of our country with protecting the rights of ordinary citizens? I know that we can do better than we do in this legislation, and so I urge each of my colleagues to vote against H.R. 514. Instead, I think we should pass legislation that grants the intelligence community the tools that it requires while protecting the rights and liberties of all Americans.

Mr. ROGERS of Michigan. I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND), member of the Intelligence Committee.

Mr. WESTMORELAND. I want to thank the chairman, the gentleman from Michigan, for allowing me to speak on the extension of this critical bill to our national security.

Mr. Speaker, the tragedy of September 11 cast a bright light on our woefully out-of-date intelligence laws. While many of our domestic crime-fighting laws have been made to adapt to social changes and new technology, our intelligence laws sit on the bookshelf gathering dust for decades. For that reason, I rise today in support of H.R. 514, which will extend three expiring provisions of the Patriot Act through December 8, 2011.

I know I have heard some complaints about civil liberties, but the provisions in the short-term extension are the same tools that have been used by U.S. officials for investigating child molesters, murderers, drug dealers and other organized crime figures for decades. All this bill does is extend these same tools to intelligence agencies fighting terrorism.

I strongly urge my colleagues to consider that this is a short-term extension to give the Intelligence Committee an opportunity to work on these so that we can get a broad agreement on it. It gives the gentleman from Michigan and the gentleman from Maryland an opportunity to work together, and for all of us to work in a way that will provide the security that all of us want for this Nation and still allow us to have all the personal freedoms that we enjoy.

So I would invite and encourage all my friends to vote ''yes'' for this simple extension until December to give us time to do what this country desperately needs for us to do.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. It is difficult to debate an issue of such importance and have very good friends who are taking an opposite position. But I think that, in this case, we have to look very squarely at the literal reading of the Constitution.

The First and Fourth Amendment literal reading makes it very clear that the Patriot Act is a destructive undermining of constitutional principles. There are extraordinary powers being given by the government, and it contravenes not just principles of the Constitution but our own oath to defend the Constitution.

I want to speak to the provisions that are set for reauthorization here.

Two of the provisions are contained in the Patriot Act, legislation that I opposed when it first came up because I believed that it was over-infringement on basic civil liberties, including freedom of speech.

The first one, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the FISA, Foreign Intelligence Surveillance Court, to wiretap a target without having to specify the target or their device, and I challenged the constitutionality because I believe this provision severely undermines the Fourth Amendment, which requires warrants to describe the place to be searched and the person or things to be seized. This provision of the Patriot Act requires neither the target nor device to be identified.

The second provision, section 215 of the Patriot Act, known as the business records provision, allows the FBI to order any person or business to turn over any tangible things, as long as it specifies it is for an authorized investigation. Orders executed under section 215 constitute a serious challenge to the Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The third provision, section 6001, known as the lone wolf surveillance provision, is contained in the Intelligence Reform and Terrorism Prevention Act of 2004 that authorized the government to conduct investigations of non-U.S. individuals not connected with foreign power or terrorist groups, but effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

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

Mr. RUPPERSBERGER. Mr. Speaker, first, it's important that we hear all points of view from my colleagues when it comes to the reauthorization of the expiring Patriot Act provisions.

I think the 3-year extension outlined in S. 289 will take politics out of this debate. I am pleased that this bill contains a sunset provision. It is important that these authorities have sunset dates so that Congress may evaluate the effectiveness of these tools on an ongoing basis.

Only with rigorous oversight can we ensure that the privacy rights of Americans are protected. As ranking member of the Intelligence Committee, I will ensure that the committee conducts effective oversight of these provisions. I hope, in subsequent reauthorizations of the Patriot Act, that Congress continues to use sunset dates which will keep Congress in the business of oversight on these important authorities.

I yield back the balance of my time.

□ 1730

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the way the ranking member has approached this issue. There are people who have differences of opinion, strong, passionate opinions on this. I am shocked and a bit amazed at the misinformation that is in and about the Patriot Act.

If you believe that roving wiretaps through a court order is bad, then we should stop investigating today organized criminals and drug dealers and child pornographers and kidnappers.

If you believe today that going in and trying to get someone's business records to prove that they were at a place, with a subpoena from a grand jury, is a bad idea, then we should stop doing it. Today you can do it. You can go to the library and get someone's records.

As a matter of fact, during the first part of this debate someone talked about how they went in and got all this information on whoever checked out a book on Osama bin Laden and what a horrible thing it was. That wasn't even a FISA warrant. It was a criminal warrant. That happened under the criminal code. That can happen tomorrow. And when this expires at the end of this month, they will still continue to be able to do that. But you will not be able to go to a FISA court and get a roving wiretap or a court order, by the way, to get records that will help in an ongoing terrorism investigation. It really is mind-boggling.

Let me give you what I think is the greatest example, the Times Square bomber. If we would have known early in that particular arrangement, they could have gone and figured out, listen, we need a court order. We go to the FISA court. There are two courts here: a criminal court and a FISA court. We go to the FISA court, because we don't know how big this is; we don't know who all is involved. We don't necessarily want to arrest him; we want to arrest everybody that is involved.

So let's go to the judge and prove to the judge that if we can figure out that he bought materials from a hardware store to build a bomb, that we might be able to prevent this thing in the future. So they go and get a court order. This is hypothetical. They get a court order, which is a pretty high standard in any investigation.

Or the other option is the bomb goes off, it kills hundreds if not thousands of people, and that very same FBI agent takes it with a criminal warrant and gets the very same information after the bomb has gone off. That is what we are talking about. That is the difference.

This notion that somehow you don't have to go to a court to get an order is wrong. Trust me, you are not going to be able to go through somebody's underwear drawer because you want to. It is not going to happen.

If you believe in the process that we have in our criminal courts, to have to go and get an order by a third-party adjudicator, then you should also believe that this is a really good idea to be able to do it in these broad, hard-to-do investigations into terrorism and spying. It is difficult.

Remember the Russian spy ring that was just broken up recently. They had a FISA court order warrant for a very long time because they needed to figure out everything that was going on before they brought this thing to a head.

The same with a terrorism investigation. Think about how global it is now. They planned the attacks in Afghanistan to attack New York and it went through Pakistan and other places, Saudi Arabia, and they had multiple states involved when they brought this plot together. It is big. It is complicated.

To take away, at the end of this month, our ability to get a roving wiretap that, by the way, on the very next day after you stop our ability to go to a FISA court to get one, you can still get one in a criminal case against organized crime or a drug dealer here in the United States, why, why would we do that to ourselves, Mr. Speaker? It makes no sense.

The work that goes into putting these things together for the brief, to go to the court, is significant. I will tell you right now there are very brave Americans who are working cases right now hoping to get their brief done so they can walk into a judge and get an order that might pertain to business records, or it might be a roving wiretap to keep America safe. If it expires, they won't be able to do it. There is no difference. As a matter of fact, the standard in the FISA court is higher.

Mr. Speaker, I would strongly urge this body's support of what we know is working and has kept America safe since its inception.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 20 minutes.

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

Mr. Speaker, since its enactment in 2001, the Patriot Act has been the object of so many false allegations and exaggerations that the myths have overshadowed the truth. It is time to dispel the myths once and for all.

Let's begin with the myth that national security officials do not need these provisions to protect us from terrorist attacks. This is demonstrably untrue. Numerous terrorist attempts in the last 10 years have been thwarted thanks to the intelligence gathering tools provided in the Patriot Act and other national security laws, and if Congress fails to extend these provisions set to expire on February 28, it will be on our shoulders if the intelligence needed to stop the next attack is not collected.

Opponents claim that these expiring provisions of the Patriot Act violate the Fourth Amendment to the Constitution. This, too, is false. Each of the provisions at issue amends the Foreign Intelligence Surveillance Act, or

FISA. Enacted in 1978, FISA sets forth specific intelligence gathering procedures that do comply with constitutional protections and have been consistently upheld by the courts.

Let's also dispel the myth that these provisions grant broad-sweeping, unchecked authority for the government to collect information on innocent Americans. Again, this is absolutely untrue. These types of provisions have been used by domestic law enforcement agencies for years to apprehend typical criminals. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving authority for criminal investigations since 1986.

Section 215, business records, have more strict requirements than the grand jury subpoenas used in criminal investigations. It makes no sense to let law enforcement officials use a tool to investigate a drug dealer, but then deny that same authority to intelligence officials investigating terrorists.

And contrary to claims by critics, there is oversight of these provisions. Both section 206, roving wiretaps, and section 215, business record requests, must be approved by a FISA judge. Both section 206, roving wiretaps, and section 215, business records, also are subject to rigorous minimization procedures. These procedures, also approved by a FISA judge, assure that only information that pertains to the investigation is actually collected. Finally, both section 206, roving wiretaps, and section 215, business records, prohibit the government from gathering intelligence on a U.S. citizen or legal resident who is exercising his First Amendment rights.

The third provision set to expire is the so-called lone wolf definition. As originally enacted, FISA authorized intelligence gathering only on foreign governments, terrorist groups or their agents. FISA did not allow the government to collect intelligence against individual terrorists. The lone wolf provision amended the definition of ''agent of a foreign power'' to close this gap.

An increasing number of attempted terrorist attacks on the U.S. are being carried out by self-radicalized jihadists who adopt an agenda as equally hateful and destructive as any terrorist group. The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to respond to the modern-day terrorist threat. The lone wolf authority cannot be used against a U.S. citizen.

This temporary extension ensures that there are no gaps in our intelligence collection. Without an extension of these authorities, we will forfeit our ability to prevent terrorist attacks. A temporary extension of these provisions is the only way to provide House Members the time to study the law, hold hearings, consider amendments and conduct markups. We need to approve this temporary extension today, or we will make it harder to prevent terrorist attacks.

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

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 20 minutes.

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

Ladies and gentlemen, here we go again. Last Tuesday on February 8 when this measure came up, it was defeated. It was a bipartisan vote. There was a full and fair discussion. Twenty-six Members on the other side joined with us to make sure that this measure was adequately examined for the flaws.

□ 1740

It's not that the Patriot Act isn't important or needed. It's just that it's flawed. The most flawed provision of the three provisions is the one I want to comment on briefly, and that is the so-called ''lone wolf'' provision—someone operating on his own and not particularly attached to anyone. This provision allows our full national security surveillance powers, which are designed to be used against enemy governments, to be used against a single individual who is unaffiliated with any foreign power or terrorist group.

Now, it is widely known that this provision has never been used. It hasn't been used because there are no terrorists; it hasn't been used because it doesn't have to be used. The Department of Justice, by its own admission, has other powers to go after these individuals. And that's why it hasn't been used. And because we got a closed rule from the Rules Committee, we weren't able to work out an agreement to take it out. Therefore, I come before you today to urge that we do not accept this measure. It is way too broad. And under the statutory definition, virtually any evildoer can be declared a ''lone wolf.''

So, ladies and gentlemen, let's be tough on terrorists. But let's describe this in a way that it will not be used in a way that will create fears that if we drop the lone wolf provision, the world may come to an end. I urge that this one provision is sufficient reason for us not to agree to the measure before us today.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime and Terrorism Subcommittee of the Judiciary Committee.

Mr. SENSENBRENNER. I thank the Judiciary chairman for yielding.

Mr. Speaker, last week, 122 Democrats rejected legislation to temporarily extend the three expiring Patriot Act provisions, including 36 who supported a 1-year extension last year. The House then adopted a rule to bring the bill back to the floor today, and the vast majority of my colleagues on the other side of the aisle opposed that, too. These votes are nothing but the minority party playing politics with national security, and their arguments ring hollow.

The Democrats' 1-year extension last February successfully achieved their goal of delaying Patriot reauthorization until after the midterm elections. But it left very little time for the new Congress to complete a reauthorization bill before the February 28 sunset. My colleagues on the other side of the aisle now profess concerns with the expiring provisions. If they were so concerned about the law, they could have easily brought a reauthorization bill to the floor last Congress making changes to these provisions, but they did not.

They also take issue with the process used to achieve this much-needed extension, criticizing the absence of hearings or a markup. But they gloss over the fact that their 1-year extension was brought straight to the floor with no hearings, no markup, and no opportunity to offer amendments—the same circumstances that a year later they now claim to dislike.

Since this law was enacted, these provisions have been scrutinized to the fullest extent of the law and have either been unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But Members should know that, in 1992, the Ninth Circuit Court of Appeals—and that's the Ninth Circuit, the most liberal in the country—upheld criminal roving wiretap authority under the Fourth Amendment to the Constitution. Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which I sponsored, the lawsuit was withdrawn. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country and its people safe.

Opponents of these provisions argue that we can simply use criminal laws to gather the information we need. But this argument ignores the most important distinction between criminal investigations and intelligence gathering. Criminal investigations only occur after the fact—after a murder has been committed or a home has been burglarized. The entire purpose of intelligence gathering is prevention—to stop the terrorist attack before it happens. We cannot rely on criminal tools to identify and apprehend those who are plotting to attack us.

As the Democrats choose to play politics rather than worry about the safety of our country, we're now under a time crunch. Only 4 legislative days, including today, remain for the House to extend these provisions before they expire and our Nation is placed at a greater security risk. We can't let our guard down. These are needed provisions to keep America safe, and I urge the House to approve this bill today and urge the other body to act quickly to reauthorize these provisions.

It's time to put politics aside and do what's right for America's national security. I urge passage of the bill.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I would like to remind the chairman emeritus of the Judiciary Committee, Mr. SENSENBRENNER, that we are not playing politics. And merely accusing us of that and of not having hearings doesn't help the debate much.

On September 22, 2009, the Subcommittee on the Constitution of the Judiciary Committee held hearings; and on October 29, 2009, the full committee held hearings and reported out a bill, I would say to my friend from Wisconsin. On November 4 and 5 of 2009, I say to the distinguished gentleman, we had a 2-day markup in Judiciary with record votes on 10 amendments offered by members of both parties and we reported out a compromise measure by voice vote. And so to say that we didn't hold hearings when we were in control is inaccurate, and I am not made happy by this misrepresentation.

To say that this is a minority party tactic misses the point, again. The gentleman was awake and on the floor last Tuesday. Twenty-six of your members voted with us. That's not partisan politics. And so I am very sorry that this discussion is getting off with so much misinformation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, let's be reminded of what the 9/11 Commission report observed. That report said the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. In this case, freedom presupposes security. That's what we're talking about here.

The distinguished former chairman of the Judiciary Committee basically has called into question the lone wolf terrorist provision. He says it's never been used. I heard this same argument on the floor last year before we had the domestic lone wolf known as Major Hasan. I heard the same argument on this floor last year before we saw the consequence of a loan wolf action in Times Square.

□ 1750

I heard the same argument last year before we saw the lone wolf action of the Christmas Day bomber. I heard the same argument 2 years ago before we heard that.

The fact of the matter is and the greater concern that we have today, as expressed just this last week by the Secretary of Homeland Security, is that the level of the threat is as high today as it has ever been since 9/11. When asked about it, she explained, as did the co-chairs of the 9/11 Commission, that it is the less consequential attacks done by those who are not directly associated with al Qaeda or with affiliate organizations, i.e., lone wolves, that cause them to be of greater concern today.

CIA Director Leon Panetta, who is of this administration, has warned that it is the lone wolf strategy that I think we have to pay attention to as the main threat to this country. The gentleman from Michigan would have us wait until that threat is carried out before we then say, well, maybe now we have a reason to have the lone wolf provision.

Professor Robert Turner of the Center for National Security Law has written as to how the absence of authority to conduct surveillance of a lone wolf terrorist undermined the FBI's effort to gain access to the content of Zacarias Moussaoui's laptop computer and how it materially impeded a critically important investigation that in the absence of FISA might well have helped prevent the attacks on September 11, 2001.

Now, the distinguished former chairman of the committee has said this allows us to use this provision against anybody. Not true. It has to be someone who is not a citizen or a permanent resident of the United States who is engaged in international terrorism but who may not be linked to a foreign power or terrorist organization.

Today, in the age of the Internet, when someone is incited or inspired by one of these individuals from a foreign country and then carries out a terrorist act, that is the definition of a ''lone wolf.'' The gentleman from Michigan would have us shackle ourselves so as not to be able to deal with this, as was explained by the gentleman from Michigan (Mr. ROGERS), a former agent of the FBI.

These are antiterrorism cases, not criminal investigations. What we are trying to do is not collect the body parts after a successful attack and then try and find those who caused it and try and bring them to justice. No, we are trying to stop the attack in the first place and protect Americans. That's why you have the FISA court. That's why you have some of these different definitions. What we have done within the ambit of those definitions is try and protect the civil liberties of Americans while at the same time allowing us to take reasonable, responsible and, yes, proactive actions against those who would murder Americans.

There is a difference between a criminal investigation and a counterterrorism effort. It is the difference between trying to prosecute someone for a crime that has already been committed as opposed to trying to prevent the death and destruction that would be rained upon the United States by these terrorists.

I am the author of the sunset provisions. I brought this because I thought it required us to look at these three provisions because, yes, they were the most controversial; but I am convinced after looking at it in these years that these provisions have not been abused.

At the same time, I am going to be working with the gentleman from Wisconsin and others to have rapid, intensive, active oversight of these provisions to ensure that we do not have some deprivation of civil liberties as we carry out these necessary functions.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to remind my dear friend from California that the provisions in lone wolf do not apply to Americans.

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

Mr. CONYERS. I yield myself an additional 15 seconds.

Hassan was an American, and we have not yet used the terrorist provisions of lone wolf.

Mr. Speaker, I yield 45 seconds to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would hope that my good friend from California, in his very passionate defense of the Patriot Act, did not mean to imply that the distinguished Mr. CONYERS in some way would suborn terrorism, because he chooses to point out that the standards that are required to obtain electronic surveillance orders from criminal courts are really being circumvented under section 601.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

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

Mr. DANIEL E. LUNGREN of California. I did not question the motivation of the gentleman from Michigan, nor would I; but I would question his conclusions and the impact of his decisions.

Mr. KUCINICH. I think it is fair for us to debate this. I think we have to just be cautious about how far we draw conclusions about the motivations of each other in taking the positions that we do.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from North Carolina, WALTER JONES.

Mr. JONES. Mr. Speaker, it is always interesting for those of us who don't have a law degree to come down and listen and sometimes, like myself today, to have a few minutes to share my thoughts on this, because I think the majority of people in my district are God-fearing, constitutional-loving Americans like people in anybody else's district across this Nation.

I regret and will always regret that I was too weak to vote my conscience when we had the Patriot Act up the first time. I did not feel good about it. As a non-attorney and as an American who loves the Constitution and who believes in the civil liberties that are guaranteed, this country too many times has sold itself to the Federal Government to take care of it.

I make reference, Mr. Speaker, to a book that was written by Judge Andrew Napolitano. He is a well-known constitutional lawyer who is on Fox News from time to time. The title of the book is ''A Nation of Sheep.'' He actually wrote this book in 2007, years after we passed the Patriot Act. He goes through every aspect of the Patriot Act, which he believes sincerely is a serious violation of the civil liberties of the American people. In fact, I would like to share just a couple of his comments.

He said: ''The gravest dangers to our freedoms lie hidden in a government that has seized them from us, and that vigilance and natural law can save us from the power-hungry bureaucrats who run the government today.''

He further stated in the book ''A Nation of Sheep'': ''An unalienable right comes from God and is an element of humanity that cannot be given up or legislated away.''

Let us not legislate away our God-given right to liberty.

Mr. Speaker, I hope that my colleagues who voted against this when it was on suspension will again today vote ''no'' on this reauthorization, because it should go to a hearing. We should be very careful. And I hope and pray that maybe we will be able to defeat this tonight, but I know the odds are against it.

Mr. Speaker, I will ask God to continue to bless America and to continue to bless the Constitution. As Andrew Napolitano says, let's not be a Nation of sheep.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would now like to yield such time as he may consume to a senior member of the committee, the gentleman from Virginia, BOBBY SCOTT, a former chairman of the Judiciary Subcommittee on Crime.

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

Mr. Speaker, I rise in opposition to H.R. 514, which would extend for 1 year sweeping governmental intrusions into our lives and privacy that were authorized by the USA PATRIOT Act and the 2004 Intelligence Act. Without meaningful oversight and committee deliberations demonstrating that these extraordinary powers are needed, we should not extend these provisions for one full year, or for any period of time for that matter, and I therefore oppose the bill.

I am opposed because I simply do not accept the argument that, in order to be safe, we necessarily have to sacrifice our rights and freedoms. I agree with Benjamin Franklin, who stated during the formation of our Nation: ''They who give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

One of the provisions in the bill reauthorizes section 215 of the Patriot Act, which gives the government power to secretly invade our private records, such as books we read at the library, by merely alleging that they are relevant to a terrorism investigation but without having to show that the seized material is in connection with any specific suspected terrorists or terrorist activities.

□ 1800

There is no requirement to show probable cause or even reasonable suspicion of being related to a specific act of terrorism, and therefore, there is no meaningful standard to judge whether or not the material is, in fact, necessary.

Another provision of H.R. 514 is section 206 of the Patriot Act which is referred to as the ''roving John Doe wiretap provision.'' It gives the government the power to wiretap a phone conversation without having to show which phone will be tapped or even who will be using it, and without requiring a court order for a specific roving tap.

The third provision is Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, referred to as the lone wolf provision. It gives the government the power to spy on individuals in the United States who are not U.S. citizens or permanent resident aliens, even though they are not agents of a foreign government or any terrorist organization. Unfortunately, this means that if those targeted had any interaction with an American citizen, then that American citizen is spied upon as well.

We have already allowed spying on such noncitizens outside of the United States or even in the United States where there is probable cause, only that they are agents of a foreign government or members of a terrorist organization, but this is an extension of that power that can envelop anybody simply as a result of the occasion of interacting with a targeted person, even while in the United States.

The three provisions give the government power to invade our privacy even when there is no probable cause, nor even reasonable suspicion or credible evidence of any wrongdoing, and without allowing the kind of detached oversight such as a court warrant, which is generally called upon when such power over individuals is extended. And it is important to note that in cases of emergencies, warrants can be obtained after the fact. Law enforcement officials can perform wiretaps and searches in emergency situations and then get a warrant.

So, Mr. Speaker, absent oversight protections, even when after the fact warrants are available, all three of these provisions should be allowed to expire unless we demonstrate in oversight hearings and committee deliberations that these powers are necessary and narrowly tailored to achieve a compelling national security interest. These freedoms and protections that these provisions take away are the very core of our values and liberties. So these protections should not be legislated away without committee deliberations guaranteeing rigorous oversight to protect against abuse.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding me 2 minutes.

What I would just like to say, Mr. Speaker, is that with respect to roving wiretaps, it's only available after the government has been able to prove to the court that the target may engage in countersurveillance activity such as rapidly changing the cell phone number. It doesn't allow the government to make a general boilerplate application. It requires them, if they can't identify the individual, the very specific individual, to give some particularity in the request to identify that person as much as they possibly can.

It is also a requirement we put in the law that once they have actually utilized this roving wiretap on different instruments of communication, they have to report to the court within 10 days as to what took place. So we have refined this as much as absolutely possible.

What we're trying to do is keep up with technology. We know that some of these targets will buy 100 cell phones and use them for a single conversation and throw that cell phone away. You can't just think that's going to happen. You have to prove to the satisfaction of the court that there is a reason to believe that they are going to take these kinds of efforts to try and stop surveillance in these regards.

Again, this is before the FISA court, and it only deals with these kinds of cases. This is not regular criminal cases. So the gentleman's concerns have been raised before, and we met those concerns in our prior treatment of this law. So it is a careful balance that we created here, to take into consideration the new techniques utilized by those who would threaten us and at the same time try and provide for a third party, a court, a Federal court made up of Federal judges, to look at this. We have to report before, and we would have to, that is, our agency activists, would have to report afterwards, within 10 days.

I believe that's about as much protection as you can give and still be effective in this environment.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to a distinguished Member of this body, DANA ROHRABACHER of California.

Mr. ROHRABACHER. Thank you.

Mr. Speaker, when Congress passed the Patriot Act in 2001 in the aftermath of 9/11, we mandated sunsets on the provisions that dramatically expanded Federal investigative and enforcement powers, especially those that could infringe on the freedom of American citizens. Sunsets meant that Congress would have to specifically extend the time on those powers or they

would expire. Five years ago, the last time around, the Bush administration attempted to make permanent this crisis-related expansion of authority by removing the sunsets.

Let me congratulate my friend from California who spent so much time trying to make sure the sunsets were in, and DAN, we know that you worked really hard to make sure those sunsets were put in, but not all of them were.

This power grab on the part of the Bush administration was thwarted by good Members like DAN LUNGREN who are with us today in this debate. Today, a few controversial sections are still scheduled to periodically sunset. The congressional action to extend these provisions deserves hearings, adequate debate, and the right to amend, thus ensuring accountability and transparency on such a significant issue. We have not met this standard this time around.

The Republican leadership has committed to a more acceptable process by December, when the extension of this bill comes up for a vote again. I hope I will be able to vote ''yes'' at that time. Until then, it is ''no.''

And let us note about the accusations of politics in this. I believe the American people have a legitimate fear of out-of-control government. They have a legitimate fear of out-of-control spending and out-of-control bureaucracy, and yes, they have a legitimate fear of out-of-control prosecutors and out-of-control spy networks. Let's make sure we stand for freedom here. That's not political.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I want to give my friend from California and other Members a little history lesson.

When the Patriot Act was drafted in 2001, I insisted on the sunset and the then-Republican-controlled House prevailed on that issue against the then-Democrat-controlled Senate. I resisted repeal of the sunset prematurely, and in 2005, the Judiciary Committee, when I was chairman, had hearings on each of the 17 provisions. There was no controversy about 14 of those provisions. Even the ACLU testified in behalf, that those provisions have not been abused. So 14 of the provisions were made permanent. This law has not trampled on anybody's civil rights.

Where there was a constitutional problem with section 215, it was fixed in the reauthorization, and I'm getting a little bit irritated at the scaremongering that has been going on about this law when no provision has been held unconstitutional by a court.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the gentleman from New York, JERRY NADLER, former chair of the Constitutional Subcommittee.

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Mr. NADLER of New York. Mr. Speaker, I rise to oppose the extension of these provisions when the House has done nothing to consider them or to consider possible reforms or even to hold a hearing or a markup.

The three sections scheduled to sunset are all troubling, and I hope that we will have the opportunity to review them carefully before they come before the House again.

Section 215 authorizes the government to obtain ''any tangible thing,'' such as library or business or medical records, if ''there are reasonable grounds to believe that they are relevant'' to a foreign intelligence or international terrorism investigation. Before the enactment of section 215, the government had to show ''specific and articulable facts giving reason to believe that the person to whom the records pertain'' is a foreign agent or a terrorist. Section 215 allows the government to delve into the personal records of someone even if there is no reason to believe that that person has anything to do with terrorism. This poses a threat to individual rights in the most sensitive areas of our lives, with little restraint on the government.

Section 206 provides for roving wiretap orders, supposedly to catch up with technology, but these orders identify neither the person to be tapped nor the facility to be tapped. This is, for all practical purposes, a general grant of authority to wiretap anyone anywhere that the government wants. They should either have to identify either the person or, because of modern technology, the facility. But one or the other. There are almost no limits to this authority and no requirement that the government name a specific target. This is akin—very similar—to the British general writs of assistance which engendered the first colonial outrage that led to the American Revolution. Here we are coming full circle.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called ''lone wolf provision,'' permits secret intelligence surveillance of people who are concededly not affiliated with a foreign government or organization. It provides the government with the ability to use secret courts and other investigative tools that are unacceptable in a domestic criminal investigation, as if we were dealing with a foreign government or entity. According to government testimony, this provision has never been used because you can use the normal criminal provisions if you suspect someone of planning mayhem or terrorism or anything else. Surveillance of an individual who is not working with a foreign government or organization is not what we normally consider or understand as foreign intelligence. There may be good reasons for the government to keep tabs on such people, but that is no reason to suspend all of our laws under the pretext that it is a foreign intelligence operation.

While some have argued that each of these authorities remain necessary tools in the fight against terrorism, I believe we should not miss the opportunity to review the Patriot Act in its entirety, including the 14 sections that were sunsetted that are now permanent that many of us opposed making permanent at the time and thought should continue to be sunsetted so we could review them from time to time. We should examine the act to see how it's working, where it's been successful, where it's failed, where it goes too far, and where it poses threats to our liberties. That's the perfect of sunsets; and to extend the sunsets without review undermines that purpose.

There is another law that is allied to this that also deserves careful review, the National Securities Letters Reform Act. I have introduced legislation which would better protect civil liberties while ensuring that NSLs remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the NSL authority is too great for the Congress to ignore. I was encouraged to see some of my Republican colleagues across the aisle last week vote ''no'' on the extension. It shows a healthy skepticism of unrestrained government power to spy on people in the United States. That is the essence of opposition to unchecked government power. That value should not be a partisan one. I hope to work with my colleagues on both sides of the aisle to restore our traditional respect for the right of people to be secure from unchecked government intrusion. That's why we have the Fourth Amendment. I hope we will be able, after this vote, to examine carefully the way these provisions have been used or abused and to look at ways to reform the law in light of experience. That was the purpose of sunsets, and I hope we can take advantage of that opportunity.

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

Mr. CONYERS. How much time remains, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan has 1 minute remaining. The gentleman from Texas has 4 minutes remaining.

Mr. CONYERS. Does my friend from Texas have in his heart any generosity to yield a couple of minutes?

Mr. SMITH of Texas. Mr. Speaker, I would like to respond to my friend from Michigan and say, I believe I could find the time if he could find a way to give us a copy of the motion to recommit at this time.

Mr. CONYERS. That is up to the leader. That is not up to me.

Mr. SMITH of Texas. Mr. Speaker, in anticipation of a good-faith effort to consider that proposal by the gentleman from Michigan, I yield the gentleman 2 minutes of my time for his control.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control 2 additional minutes.

There was no objection.

Mr. CONYERS. I thank the gentleman from Texas, LAMAR SMITH, the chairman, for his generosity.

I now yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I too would like to express my appreciation to the chairman, my colleague from Texas, for the time and to the ranking member as well.

All of the issues have been laid out as to the three elements. So I just simply want to pose a question to my colleagues: We know that we have a problem with the three remaining intrusive and, I believe, unconstitutional provisions.

We know that Ranking Member CONYERS has explained that we were not absent; we did not have the lights out under his jurisdiction. We actually pursued this. We couldn't get an agreement. We couldn't move toward the floor. So the question now is, we realize that a roving wiretap is intrusive. We realize that the ''lone wolf'' provides a problem. So the question is, how do we fix it for the American public? How do we ensure the Constitution is intact?

Let me be very clear: It is well documented that human intelligence is the best. Why? Because most of us were surprised when I say that in the intelligence community—at least they have not articulated about what is going on in the Mideast, both in Egypt and Yemen and otherwise—we were surprised. Did any of that help us? This is an intrusion on the American public.

We are not in any way nonpatriots. We are patriots. We believe in the Founding Fathers. We understand that they came together to give you, Americans, the right to your freedom. We ask for the Fourth Amendment to be sacrosanct, to indicate that you are not subject to unreasonable search and seizure. That is my question to my colleagues: When will you engage in the hearings and the ability to mark something up to address these infringements? How quickly will you move? December of 2011 is too long. Let us work together to uphold the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514, ''To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.''

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an ''agent of a foreign power'' to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the ''lone wolf provision.'' It also grants government access to business records relating to a terrorist investigation.

While the PATRIOT Act is intended to improve our ability to protect our Nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution.

The first provision authorizes the government to obtain ''any tangible thing'' relevant to a terrorism investigation, even if there is no showing that the ''thing'' pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show ''reasonable suspicion'' or ''probable cause'' before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

The second provision, known commonly as the ''roving John Doe wiretap,'' allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state ''with particularity'' what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the ''lone wolf' provision, which permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

Another problem with H.R. 514 is that it fails to amend other portions of the PATRIOT Act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters, NSLs. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is not suspected of unlawful behavior.

The three provisions I have just mentioned, as well as the issues surrounding NSLs, have all been examined and amended in the past Congresses, because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. In 2005, the PATRIOT Act was examined in the Judiciary Committee. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions in H.R. 514, but also National Security Letters and the lax standards of intent.

Again, these same issues came before us in 2007. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act, FISA, another piece of law used in conjunction with the PATRIOT Act and essential to combating the war on terror, but one that was in need of improvements to protect Americans' constitutionally enshrined civil liberties. On that day, I said that, ''we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans,'' and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

Furthermore, this very bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues who were on the Judiciary Committee at that time, are included in this legislation.

None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our Nation from foreign threats. However, as an

American citizen, I am deeply concerned when our constitutional rights run the risk of being infringed upon in the name of national security.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the Constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT Act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Because of the negative privacy implications of extending all of these provisions, I ask my colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.

Mr. CONYERS. Mr. Speaker, I yield the remaining time to the gentleman from Ohio, DENNIS KUCINICH.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1½ minutes.

Mr. KUCINICH. I want to first thank the ranking member, and I want to thank the gentleman from Texas for the amicable manner of comity that you have extended here. It is very much appreciated. I also want to say, as I have listen to my colleagues on the other side of the aisle speak in defense of this, I am aware that you love this country, that you want America to be safe, and you want America to continue to be free. And the great thing about this Congress is that we have different ways of viewing how we can go about that. But I have great respect for each of the speakers who has come forward.

I want to say that since Congress first passed the Patriot Act in 2001 that we have been continually challenged on this question of our constitutional duties to act as a coequal branch of government and that it is my belief that we have failed to conduct checks and balances over government power. I want to associate myself with the remarks of the gentleman from California (Mr. ROHRABACHER) in that regard and that we have failed to conduct robust and effective oversight. And in connection with the gentleman from Wisconsin, some of the remarks that you have made about what we needed to do, I think you have made some good points on that. I also think that we have a responsibility here to protect the American people from overt infringements on their most basic civil liberties, and I see this continuing extension as being a challenge to that.

Mr. Speaker, I rise in strong opposition to H.R. 514.

Since Congress first passed the PATRIOT Act in 2001, we have continually abdicated our constitutional duties to act as a co-equal branch of government by failing to conduct checks and balances over government power, failing to conduct robust and effective oversight, and ultimately, failing to protect the American people from overt infringements on their most basic civil liberties by continuing to extend these provisions without any meaningful reforms.

These three provisions were passed in the wake of 9/11, and given sunsets in recognition of their far reaching and unprecedented powers that effectively allow the government to conduct domestic surveillance and demand material from people not connected to any terrorism investigation, including librarians and peace groups. Yet they have been extended Congress after Congress without any reform.

Perhaps even more troubling is that we are extending these provisions through the end of the year without addressing the PATRIOT Act as a whole.

In a 2007 article by the Washington Post, then Federal Bureau of Investigation (FBI) assistant director stated that he is ''not even sure such an example exists'' that would demonstrate how expanded surveillance has made a difference in our national security.

Section 215 of the PATRIOT Act expanded the type of information the government could request from targets, while at the same time, lowering the standard required to obtain an order to request private records from targets. This means that the government can obtain orders for private records or items from people who are not connected to any investigation, including U.S. citizens and lawful residents. Orders executed under this provision constitute a serious violation of First and Fourth Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library or medical records.

National Security Letters (NSLs), which can be issued under Section 215 of the PATRIOT Act, allow the government to obtain private information from telecommunication companies, internet and email, and health care providers without judicial warrants or oversight. They can be issued to people who have not been accused of any wrongdoing and are often accompanied by gag orders.

According to an article in the Washington Post from 2005, NSLs ''do not need the imprimatur of a prosecutor, grand jury or judge. They receive no review after the fact by the Justice Department or Congress.'' The Fourth Amendment of the Constitution requires prior judicial review and allows warrants to be issued only with probable cause.

The government has used NSLs to demand records of patrons from librarians across the country. A decision by a federal district court rules in 2006 that the gag order enforced on librarians in Connecticut violated the First Amendment, forcing the government to withdraw the gag order and its demand for patron records.

Despite a successful challenge to the unconstitutionality of the original PATRIOT Act's gag order provisions by the American Civil Liberties Union (ACLU), 5% of all NSLs issued by the FBI in 2006 contained ''insufficient explanation to justify imposition of these obligations,'' according to the Inspector General of the Department of Justice.

The ability to demand records from Americans absent judicial review and probable cause are certain to quell free speech and freedom of association—rights protected and guaranteed by the Constitution.

The ''material support'' statute, also contained in the PATRIOT Act, criminalized the act of providing ''material support'' to any foreign organization designated as terrorist by the Secretary of State. ''Material support'' is defined so broadly that it can refer to almost any kind of support, including support that does not further terrorism. The U.S. Court of Appeals for the Ninth District Court ruled in 2000 that criminal bans on ''providing 'personnel' and 'training' to groups designated as foreign terrorist organizations by the government are unconstitutionally vague and could criminalize free speech as protected by the First Amendment,'' to include human rights advocacy training, humanitarian aid in conflict zones, or even writing an op-ed. A number of the cases brought forth by the government using this statute have been dismissed or ended in mistrial.

According to the ACLU, the material support provisions ''impermissibly criminalize a broad range of First Amendment-protected activity, both as a result of their sweeping, vague terms and because they do not require the government to show that a defendant intends to support the criminal activity of a foreign terrorist organization.''

Despite years of documentation by the Inspector General of the Department of Justice and respected human rights organizations of abuse by the government of these provisions, we have failed to hold agencies accountable for abusing the far reaching powers allowed under the PATRIOT Act.

As Members of Congress, we are sworn to protect the rights and civil liberties afforded to us by the Constitution. We have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act to ensure that the privacy and civil liberties of all Americans are fully protected.

[From the Washington Post, Mar. 10, 2007]

FBI AUDIT PROMPTS CALLS FOR REFORM—SOME LAWMAKERS SUGGEST LIMITS ON PATRIOT ACT

(By Dan Eggen and John Solomon)

Lawmakers from both parties yesterday called for limits on antiterrorism laws in response to a Justice Department report that the FBI improperly obtained telephone logs,

banking records and other personal information on thousands of Americans.

The audit by the department's inspector general detailed widespread abuse of the FBI's authority to seize personal details about tens of thousands of people without court oversight through the use of national security letters.

It also found that the FBI had hatched an agreement with telephone companies allowing the agency to ask for information on more than 3,000 phone numbers—often without a subpoena, without an emergency or even without an investigative case. In 2006, the FBI then issued blanket letters authorizing many of the requests retroactively, according to agency officials and congressional aides briefed on the effort.

The disclosures prompted a public apology from FBI Director Robert S. Mueller III and promises of reform from Attorney General Alberto R. Gonzales, who was the focus of a new tide of criticism from Democrats and Republicans already angry about his handling of the firing of eight U.S. attorneys.

''I am the person responsible,'' Mueller said in a hastily scheduled news conference. ''I am the person accountable, and I am committed to ensuring that we correct these deficiencies and live up to these responsibilities.''

Democrats and Republicans alike said Gonzales, Mueller and the Bush administration did not properly monitor the FBI and guard the privacy rights of U.S. citizens and legal residents. The report came at the end of a difficult political week for the Bush administration, after the conviction of Vice President Cheney's former chief of staff in the CIA leak case and damaging allegations by fired federal prosecutors.

Top lawmakers raised the possibility that Congress would seek to curb the Justice Department's powers, most likely by placing restrictions on the USA Patriot Act antiterrorism law.

''This goes above and beyond almost everything they've done already,'' said Sen. Charles E. Schumer (N.Y.), who was among a host of Democrats promising investigative hearings. ''It shows just how this administration has no respect for checks and balances.''

Sen. Arlen Specter (Pa.), the Judiciary Committee's ranking Republican, told reporters that Congress may ''impose statutory requirements and perhaps take away some of the authority which we've already given to the FBI, since they appear not to be able to know how to use it.''

Senate Majority Whip Richard J. Durbin (D-Ill.), who has been pressing for a review of national security letters since 2005, said the report ''confirms the American people's worst fears about the Patriot Act.''

A national security letter is a type of administrative subpoena that allows the FBI to demand records from banks, credit-reporting agencies and other companies without the supervision of a judge. The Patriot Act significantly expanded the FBI's ability to use them, and a reauthorization of the law last year required the audit that was issued yesterday.

The findings by Inspector General Glenn A. Fine were so at odds with previous assertions by the Bush administration that Capitol Hill was peppered yesterday with retraction letters from the Justice Department attempting to correct statements in earlier testimony and briefings. Gonzales and other officials had repeatedly portrayed national security letters as a well-regulated tool necessary for the prevention of terrorist attacks.

One such retraction letter, sent to Specter by Acting Assistant Attorney General Richard A. Hertling, sought to correct a 2005 letter that attacked a Washington Post story about national security letters. ''We have determined that certain statements in our November 23 letter need clarification,'' Hertling wrote.

Fine's 199-page unclassified report found that the FBI's records showed it issued more than 143,000 requests for information on more than 52,000 people through national security letters from 2003 to 2005. But not only did the agency understate that number in required reports to Congress, the number of requests it issued was much higher.

Nearly half the people targeted were U.S. citizens or legal residents, and the proportion of such ''U.S. persons'' increased over the three-year period, the report said.

In examining a small sample of security letters issued by four FBI offices, Fine discovered that the letters were improperly issued about 16 percent of the time. In the sample of 293 letters, the FBI had identified 26 potential violations but missed 22 others, the report said.

The report also details how, after obtaining sweeping new anti-terrorism powers under the Patriot Act in late 2001, the FBI did not establish basic training and record-keeping procedures to ensure that civil liberties were protected. That kept the agency from giving Congress accurate numbers on how often it used national security letters, the investigation found.

''During the time period covered by this review, the FBI had no policy or directive requiring the retention of signed copies of the national security letters or any requirement to upload national security letters to the FBI's case management system,'' the report said.

The findings are reminiscent of those in previous reports, including many by Fine's office, that have detailed the FBI's chronic inability to keep track of items ranging from guns to laptops to documents related to the Oklahoma City bombing case. Fine determined that the latest violations were not deliberate but that they could be widespread.

Gonzales described the problems as unacceptable and left open the possibility of criminal charges. He ordered further investigation.

''Once we get that information, we'll be in a better position to assess what kinds of steps should be taken,'' Gonzales said after a speech to privacy officials. ''There is no excuse for the mistakes that have been made, and we are going to make things right as quickly as possible.''

At the same time, Gonzales stressed that he thinks ''the kinds of errors we saw here were due to questionable judgment or lack of attention, not intentional wrongdoing.'' Mueller said that ''the number of abuses is exceptionally small'' compared with the broad use of national security letters and that ''no one has been damaged'' by the errors.

Anthony D. Romero, executive director of the American Civil Liberties Union, which has sued the government over its use of national security letters, said the report shows the need for an independent investigation of the Justice Department's antiterrorism tactics.

''It confirms our greatest suspicions about the abuse of Patriot Act powers and, specifically, national security letter powers,'' Romero said.

Aside from the findings about national security letters, the report details for the first time a separate kind of emergency letter used in ''exigent circumstances,'' modeled on letters used by New York FBI agents after the Sept. 11, 2001, attacks. The 739 emergency letters were issued as part of an agreement with three unidentified telephone companies and requested information with the promise of subpoenas, which rarely materialized, the report said.

Mueller indicated that ''we stopped the use of these letters'' in May 2006. An FBI official later clarified those comments, saying emergency letters are still used but now promise a national security letter rather than a subpoena sometime in the future.

[From the Washington Post, Mar. 18, 2007]

AMID CONCERNS, FBI LAPSES WENT ON—RECORDS COLLECTION BROUGHT INTERNAL QUESTIONS BUT LITTLE SCRUTINY

(By R. Jeffrey Smith and John Solomon)

FBI counterterrorism officials continued to use flawed procedures to obtain thousands of U.S. telephone records during a two-year period when bureau lawyers and managers were expressing escalating concerns about the practice, according to senior FBI and Justice Department officials and documents.

FBI lawyers raised the concerns beginning in late October 2004 but did not closely scrutinize the practice until last year, FBI officials acknowledged. They also did not understand the scope of the problem until the Justice Department launched an investigation, FBI officials said.

Under pressure to provide a stronger legal footing, counterterrorism agents last year wrote new letters to phone companies demanding the information the bureau already possessed. At least one senior FBI headquarters official—whom the bureau declined to name—signed these ''national security letters'' without including the required proof that the letters were linked to FBI counterterrorism or espionage investigations, an FBI official said.

The flawed procedures involved the use of emergency demands for records, called ''exigent circumstance'' letters, which contained false or undocumented claims. They also included national security letters that were issued without FBI rules being followed. Both types of request were served on three phone companies.

Referring to the exigent circumstance letters, Sen. Charles E. Grassley (R-Iowa) wrote in a letter Friday to Justice Department Inspector General Glenn A. Fine: ''It is . . . difficult to imagine why there should not have been swift and severe consequences for anyone who knowingly signed . . . a letter containing false statements. Anyone at the FBI who knew about that kind of wrongdoing had an obligation to put a stop to it and report it immediately.''

A March 9 report by Fine bluntly stated that the FBI's use of the exigency letters ''circumvented'' the law that governs the FBI's access to personal information about U.S. residents.

The exigency letters, created by the FBI's New York office after the Sept. 11, 2001, attacks, told telephone providers that the FBI needed information immediately and would follow up with subpoenas later. There is no basis in the law to compel phone companies to turn over information using such letters, Fine found, and in many cases, agents never followed up with the promised subpoenas, he said.

But Fine's report made no mention of the FBI's subsequent efforts to legitimize those actions with improperly prepared national security letters last year.

Fine's report brought a deluge of criticism on the FBI, prompting a news conference at which Director Robert S. Mueller III took responsibility for the lapses. Some lawmakers immediately proposed curtailing the government's expansive anti-terrorism powers under the USA Patriot Act.

In a letter to Fine that was released along with the March 9 report, Mueller acknowledged that the bureau's agents had used unacceptable shortcuts, violated internal policies and made mistakes in their use of exigent circumstance letters.

Mueller also said he had banned the future use of such letters this month, although he defended their value and denied that the agency had intentionally violated the law.

Other FBI officials acknowledged widespread problems but said they involved procedural and documentation failures, not intentional misgathering of Americans' phone records. Mueller ordered a nationwide audit, which began Friday, to determine if the inappropriate use of exigency letters went beyond one headquarters unit.

''We wish, in retrospect, that we had learned about this sooner, corrections had been made and the process was more transparent,'' FBI Assistant Director John Miller said yesterday.

Fine's report said the bureau's counterterrorism office used the exigency letters at least 739 times between 2003 and 2005 to obtain records related to 3,000 separate phone numbers. FBI officials acknowledged that the process was so flawed that they may have to destroy some phone records to keep them from being used in the future, if the bureau does not find proof they were gathered in connection with an authorized investigation.

Disciplinary action may be taken when the bureau completes an internal audit, a senior FBI official said in an interview at headquarters Friday.

Ann Beeson, an attorney for the ACLU who has sued the FBI in an effort to block some of its data requests, said that if the bureau cannot prove a link between the letters and an ongoing investigation, its requests were ''a total fishing expedition.''

The FBI agreed that one senior official, who spoke on the condition of anonymity because of forthcoming House and Senate hearings on the matter, would speak for the agency.

Lawmakers have begun to probe who knew about the use of the letters and why the department did not act more swiftly to halt the practice. Grassley asked that Fine turn over to the Senate Judiciary Committee copies of all FBI e-mails related to the letters of demand, as well as transcripts of the interviews Fine conducted on the issue.

The committee has scheduled a hearing for Wednesday, with Mueller as the chief witness. On Tuesday, the House Judiciary Committee intends to question Fine and FBI general counsel Valerie Caproni.

FBI and Justice Department officials said most of the letters at issue were drafted by the Communications Analysis Unit (CAU), which comprises about a dozen people assigned to analyze telephone records and other communications for counterterrorism investigators. They sent the secret requests to three companies—AT&T, Verizon and a third firm whose identity could not be learned. Since the 2001 terrorist attacks, the FBI has been paying the companies' cost of supplying such records almost instantaneously in a form that its agents can readily examine, according to the report and the senior FBI official.

In each letter, the FBI asserted that ''due to exigent circumstances, it is requested that records for the attached list of telephone numbers be provided.'' The bureau promised in most of the letters that subpoenas for the same information ''have been submitted to the U.S. Attorney's office who will process and serve them formally.''

But the inspector general's probe concluded that many of the letters were ''not sent in exigent circumstances'' and that ''there sometimes were no open or pending national security investigations tied to the request,'' contrary to what U.S. law requires. No subpoenas had actually been requested before the letters were sent. The phone companies nonetheless promptly turned over the information, in anticipation of getting a more legally viable document later, FBI officials said.

The use of such letters was virtually ''uncontrolled,'' said an FBI official who was briefed on the issue in early 2005. By that fall, CAU agents had begun creating spreadsheets to track phone records they had collected for a year or more that were not covered by the appropriate documents, according to FBI e-mails and interviews with officials.

A spokesman for AT&T declined to discuss the topic, referring questions to the FBI. Verizon spokesman Peter Thonis, who would not confirm nor deny the existence of an FBI contract with his firm, said that ''every day Verizon subpoena units respond to emergency requests from federal, state and local law enforcement for particular calling records. After 9/11, of course, Verizon responded to FBI emergency requests in terrorist matters, and we had every reason to believe they were legitimate emergency situations.''

The inspector general's report said that the wording of the exigency letters was copied from a standard letter that the FBI's New York office used to obtain urgently needed records after the 2001 terrorist bombings. When officials from that office were later reassigned to create the CAU in Washington, the senior FBI official said, ''they brought their business practices with them'' and continued to use the same letter ''for reasons that I cannot explain.''

But the unit was not authorized under FBI rules to make such requests, and from the outset in 2003 it asked FBI field offices to submit the promised legal follow-up documents. The offices rarely did so speedily, and in many cases ignored the request altogether.

''In practice, if you have already got the records, the incentive to do the paperwork is reduced,'' the senior FBI official said.

When a lawyer in the FBI's national security law branch, Patrice Kopistansky, noted in late 2004 that the proper legal justifications were frequently missing or extremely late, she did not advise agents to ''change their process,'' the senior official said. ''Our advice was instead to . . . use these letters only in true emergencies'' and institute ''covering practices.''

These included ensuring that the bureau's agents had opened a related investigation and promptly sent a formal national security letter to provide legal backing for the demand.

Bassem Youssef, who currently heads the CAU, raised concerns about the tardy legal justifications shortly after he was assigned to the job in early 2005, according to his lawyer, Steve Kohn.

''He discovered they were not in compliance, and then he reported that to his chain of command. They defended the procedures and took no action,'' Kohn said, adding that ''their initial response was to deny the scope of the problem.''

Youssef has battled the FBI in court over whether he was denied a promotion because of discrimination based on his ethnicity.

Eventually, the general counsel's office organized a meeting at headquarters on Sept. 26, 2005, where the bureau considered a workaround: Its lawyers proposed creating special, catch-all investigative files that could be used to authorize quick phone-records seizures that did not involve open field investigations.

But one official at the meeting, Youssef, argued that genuine emergency requests for the records ''were few and far between,'' according to an e-mail summarizing the meeting that was reviewed by The Washington Post, and the idea was never implemented. The account referred to efforts by one of the bureau's top lawyers to brief ''higher ups'' in the agency about the problem.

''At some point, they told us there were not that many such letters'' still in use, the senior official said. ''We believed the problem had resolved itself . . . in retrospect, it never got resolved.''

One reason that FBI officials did not act more quickly is that Kopistansky and others in the general counsel's office did not review until May 2006 copies of any of the exigent circumstances letters sent to the phone companies from 2003 to 2005. As a result, they were unaware that some of the letters contained false statements about forthcoming subpoenas and urgent deadlines, the senior official said.

Bureau officials ultimately decided to ''clean up'' the problem by writing seven national security letters designed to provide legal backing for all the telephone records requests that still needed it, the senior FBI official said. In every case, these requests in 2006 covered records already in the FBI's possession and lacked the required cover memos spelling out the investigative requirements for the requests.

At no time did senior FBI officials outside the communications unit attempt to tally how often the exigent circumstances letters had been used, with the result that Mueller and others in senior management did not learn about the scope of the problem until two months ago, when Fine informed them, the senior official said.

□ 1820

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we must act now to keep these national security laws in place. Time is running out. We have only a few days left to do what we need to do to keep America safe. These are commonsense provisions that prevent terrorist attacks, protect the American people, and preserve civil liberties. I urge my colleagues to vote ''yes'' on this commonsense extension.

Mr. FARR. Mr. Speaker, tonight I felt compelled to vote against extending the three expiring provisions of the Patriot Act that continue to give the government sweeping authority to spy on individuals inside the United States and, in some cases, without any suspicion of wrongdoing. These intrusive and sweeping powers stand in stark contrast to the fundamental individual privacy rights enshrined in the Fourth Amendment of our Constitution. All three surveillance provisions are unnecessary, they do not protect us against terrorism, and they should have been allowed to expire long ago. I am appalled by the blatant disregard for the civil liberties of innocent Americans who have absolutely no connection to the global war on terrorism, and I look forward to a time when these provisions are no longer the law of the land.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 514, a limited bill to extend three Patriot Act counterterrorism authorities scheduled to expire at the end of this month through December of this year. I do so to ensure our intelligence and law enforcement communities continue to have the tools they need to protect American citizens while Congress works to reform this currently flawed law.

The authorities being extended in today's legislation include Section 6001 of the Intelligence Reform and Terrorism Act, also known

as the ''lone wolf'' amendment, which allows surveillance of non-citizens engaged in international terrorism apart from identified terrorist groups; Section 206 of Patriot Act, which permits roving surveillance of terrorism suspects who use multiple communication devices to thwart detection; and Section 215 of the Patriot Act, which compels production of business records and other tangible items upon the approval of the FISA court.

Of these three authorities, the current construction of the Section 215 ''tangible items'' authority is the most problematic. Specifically, the ''relevance'' standard that must be met under this authority is too weak. Recipients of Section 215 orders are required to wait a year before challenging a nondisclosure order. And the government can use secret evidence to oppose judicial challenges to a Section 215 order.

I believe Section 215 and other Patriot Act authorities should be reformed along the lines of Senator PATRICK LEAHY's USA Patriot Act Sunset Extension Act. Additionally, the Justice Department and Congress must exercise more oversight over the application of these authorities to ensure that they are being exercised responsibly. It is critically important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect.

Mr. PENCE. I rise in support of H.R. 514 to extend the three expiring provisions of the USA PATRIOT Improvement and Reauthorization Act and the Intelligence Reform and Terrorism Prevention Act of 2004. Nearly ten years removed from the attacks of September 11, 2001, it is all too clear that America is still a nation at war and these expiring provisions are still valuable tools in the Global War on Terror.

I was here at the Capitol on that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. We are reminded even today that their desire to inflict such violence on our homeland and that of our allies is real.

Just last week, Homeland Security Secretary Janet Napolitano testified that the ''threat continues to evolve'' and went on to say that the risk of attack ''may be at its most heightened state'' since that fateful day in 2001.

Because we are still a nation at war, I support the extension until December 8, 2011 of the three provisions, set to expire on February 28, 2011.

The first, Section 206, authorizes the use of roving wiretaps by law enforcement after approval from the FISA court. This allows for terrorists or spies who throw away their cell phones and change locations frequently to be tracked before they can execute an attack. Roving wiretaps have been routinely used for decades by domestic law enforcement in criminal cases. Quite simply, the USA PATRIOT Act gives our national security and intelligence communities the same tools provided to local law enforcement and it is an essential tool to fight terrorism in the modem world.

Section 215 authorizes the FBI to ask FISA courts to issue an order that allows the FBI to investigate business records related to international terrorism and clandestine intelligence activities. With this provision at their disposal, the FBI will have a greater opportunity to obtain foreign intelligence information. Now some will argue that this provision will allow the federal government to spy on the business records, internet activities and library accounts of ordinary, law-abiding citizens. That is not the case.

To use Section 215, national security agents need approval from the FISA court. The government must demonstrate to the court that the business records sought are ''not concerning a United States person,'' but in connection with international terrorism. The oversight requirements of this provision are very stringent. Every six months, the Attorney General must report to Congress on the number of times a Section 215 order has been sought, granted, modified or denied.

The third provision, found in section 6001 of the Intelligence Reform and Terrorist Protection Act, commonly known as the ''Lone Wolf'' provision, allows law enforcement to track those non-U.S. citizens who seek to inflict terror under their own initiative, without affiliation to common terrorist groups.

Mr. Speaker, only weeks ago, Members of this body took the oath of office and swore to protect and defend the Constitution of the United States, against all enemies. We have the responsibility to uphold that pledge, and in doing so, I believe we must equip law enforcement and intelligence officials with the tools necessary to protect Americans from terrorist attack.

There is no doubt about America's determination to protect itself and this legislation will ensure that our intelligence community—those who work tirelessly every day to protect us—have the tools they need to prevent the horrors of September 11th from being brought to our soil again.

We must also safeguard the precious civil rights and liberties that make our lives free and fulfilling. The PATRIOT Act includes strong protections for the civil liberties of Americans and continues extensive measures for oversight and review of the Department of Justice and our intelligence agencies. As a member of the Committee on the Judiciary, I fully understand the need to strike a proper balance between security and the rights of the American people, and I believe that in extending these provisions, we will do just that.

I am confident this Congress will continue its oversight duties so that we can ensure that every tool available to the intelligence community is coupled with safeguards that ensure the civil liberties of the American people.

Our solemn duty is to protect Americans from terrorists and safeguard their civil liberties, and we will fulfill that duty by passing this bill to extend, through December 8th of this year, these crucial provisions of the PATRIOT Act.

I urge passage.

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

The SPEAKER pro tempore. Pursuant to House Resolution 79, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of California. I am opposed in its current form.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill, H.R. 514, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 1, add the following new subsection:

(c) COMPLIANCE WITH CONSTITUTION.—

(1) INVESTIGATIONS MUST COMPLY WITH CONSTITUTION.—Each investigation of a United States citizen conducted under an extended authority shall be conducted in a manner that complies with the Constitution of the United States, including the first through tenth amendments to the Constitution of the United States (commonly known as the ''Bill of Rights'').

(2) EXPEDITED REVIEW OF VIOLATIONS.—In any civil proceeding before a Federal court that involves an alleged violation of paragraph (1), such court shall expedite such proceeding.

(3) EXTENDED AUTHORITY DEFINED.—In this subsection, the term ''extended authority'' means any authority available under—

(A) an amendment to section 105(c)(2), 501, or 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2), 1861, 1862) that took effect after October 25, 2001; or

(B) section 101(b)(1)(C) of such Act, as amended by section 6001(a) of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458; 118 Stat. 3742).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of California. Mr. Speaker, the Patriot Act gave law enforcement some necessary tools to keep up with technological advances being used by those who would do harm to our country. It did not abolish our responsibility to make sure that the constitutional rights of law-abiding citizens are protected.

This motion to recommit will guarantee that the powers of the Patriot Act being voted on today are not used to violate the constitutional rights and freedoms of American citizens.

More specifically, this motion does two important things:

First, it states a fundamental truth, that even in secret national security investigations, Patriot Act investigations of U.S. citizens may not circumvent any provision of the United States Constitution. The Patriot Act powers are used in secret. As a result, when ordinary American citizens are ordered to turn over information to the government under these expansive powers, they are prohibited from discussing their case in public. The risk of government overreach is at its greatest in matters such as these.

The second section states that if a U.S. citizen argues to a court that government spying has violated their constitutional rights, that the citizen's case must be expedited. The FISA laws

currently require that when our government seeks a secret court order to conduct surveillance of an American citizen, the government's request must be expedited by the court. This provision is a basic promise of fair and equal treatment, and that the government should not have greater rights than the people.

We took an oath of office to protect and defend the Constitution of the United States against all enemies, foreign and domestic. Our obligations to that oath and to the American people we represent are put to their greatest test when we consider matters of national security and government powers such as the ones before us today.

I urge all Members who support the freedoms guaranteed by our Constitution to vote ''yes'' on this motion to recommit.

I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, this motion is as straightforward as they come. The Patriot Act should be enforced in a manner that doesn't violate Americans' constitutional rights, and those who believe their constitutional rights have been violated should receive fair and equitable treatment by the courts.

I can't imagine any of my colleagues from either party voting against this bedrock principle that the executive branch should respect the Constitution when it comes to investigating American citizens. After all, each of us took an oath of office last month to support and defend the Constitution of the United States against all enemies, foreign and domestic. I know we all take that oath seriously. Indeed, we opened this session of the Congress by reading through the U.S. Constitution on this floor, an exercise in which I was pleased to participate.

It's in that same spirit that we offer this motion. For while we have differing views on how best to protect our national security, while upholding our cherished liberties, and in this case, on whether the enhanced authorities in this underlying bill are still needed nearly a decade after the September 11 attacks, we should all be able to agree that the United States Constitution is our last line of defense in cases where an American's civil liberties may be threatened. So, by assuring that the exercise of these powers doesn't violate our basic constitutional rights, this motion would provide a safety net to protect Americans' civil liberties in the absence of a more comprehensive review of the Patriot Act.

The second part of this motion states simply that Americans who believe their constitutional rights may have been violated by the government should receive the same expedited consideration by the courts that the government already receives. How can anyone argue with that? Why shouldn't our courts be equally responsive to the concerns of American citizens as they are to the concerns of the government, especially when an individual believes his constitutional rights have been violated. A government of the people, by the people, for the people has the utmost responsibility to protect the constitutional rights of every individual, especially when it comes to matters of national security.

So this motion to recommit, Mr. Speaker, is simple, straightforward and consistent with the bedrock principle of our Republic. I urge my colleagues to vote ''yes'' regardless of their views on the underlying bill, to vote ''yes'' as an affirmation of the support of this body for our Constitution.

□ 1830

Mr. THOMPSON of California. Reclaiming my time, Mr. Speaker, again, I urge all my colleagues to vote ''yes'' on this motion to recommit to protect our Constitution and the civil rights and the civil liberties of the American people, while at the same time making sure we are safe from those who may wish harm to us.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

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

Mr. SENSENBRENNER. Mr. Speaker, a few minutes ago, the chairman of the Judiciary Committee, the gentleman from Texas, yielded the Democrats 2 additional minutes, and asked for a copy of the motion to recommit so that we could look at it. The gentleman extended that offer in good faith.

We received a copy of this motion to recommit at the time the Clerk started reading it, and our offer of good faith was responded to with an attempted surprise.

Now, the underlying bill, H.R. 514, is very simple. All it does is extend the authorizations that are about ready to expire until December 8. It doesn't add to the Patriot Act and the Terrorism Prevention Act. It does not subtract from it. It gives the Judiciary Committee the time to do the oversight, which is exactly the same thing that I did when I was the chairman the last time the sunset expired.

But there is something else in here that I think is very important, and that is that there is a provision that would cause the courts to second-guess themselves every time a national security action asked them for a business record order. And rather than expediting the request to seek information on terrorists, this motion to recommit tells the court to expedite civil lawsuits against the United States Government to get money damages under a provision that is in the Patriot Act, and that tips it all on its head.

If the civil rights are violated, there is a provision in this Patriot Act that allows people to file a lawsuit and to do all of the discovery that needs to be done and to bring the case to trial, and they don't need to be expedited. What needs to be expedited is going after the terrorists with business records.

Now, there is a provision in the motion to recommit that says that the Constitution has to be followed. We don't need to put things in the statute book that says the Constitution needs to be followed. That's the supreme law of the land. This is completely redundant. It is unnecessary. And, frankly, the Constitution has been followed in the Patriot Act, because there has been no finding of unconstitutionality of any of the 17 provisions. Where there was a preliminary finding in the business records section, we amended the law and the plaintiffs dropped their suit. We fixed the problem, to the approval of the plaintiffs who filed this suit.

So we ought to get on with this. We're going to have these hearings. We are going to have the time to have these hearings. And all of the gentlemen on the other side of the aisle have my commitment now, as they did 9 years ago and as they did 5 and 6 years ago, that the hearings will be thorough, they will be comprehensive, and they will allow everybody to speak their piece.

Vote against this motion to recommit and pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 186, nays 234, not voting 13, as follows:

[Roll No. 35]

YEAS—186

Ackerman	Carson (IN)	DeGette
Altmire	Castor (FL)	DeLauro
Andrews	Chandler	Deutch
Baca	Chu	Dicks
Baldwin	Cicilline	Dingell
Barrow	Clarke (MI)	Doggett
Bass (CA)	Clay	Donnelly (IN)
Becerra	Cleaver	Doyle
Berman	Clyburn	Edwards
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Connolly (VA)	Engel
Blumenauer	Conyers	Eshoo
Boren	Cooper	Farr
Boswell	Costa	Fattah
Brady (PA)	Costello	Filner
Braley (IA)	Courtney	Frank (MA)
Brown (FL)	Critz	Fudge
Butterfield	Crowley	Garamendi
Capps	Cuellar	Gonzalez
Capuano	Cummings	Green, Al
Cardoza	Davis (CA)	Green, Gene
Carnahan	Davis (IL)	Grijalva
Carney	DeFazio	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
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wu
Yarmuth

NAYS—234

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
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)
Frelinghuysen
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
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
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
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
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
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 (IN)

NOT VOTING—13

Berkley
Buchanan
Burton (IN)
Clarke (NY)
Culberson
Giffords
Harman
Payne
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1855

Mr. FARENTHOLD, Mrs. BIGGERT, and Messrs. COFFMAN of Colorado and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

Messrs. ALTMIRE, JONES, HINCHEY, Ms. KAPTUR and Mr. CLEAVER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 144, not voting 14, as follows:

[Roll No. 36]

AYES—275

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schmidt
Schock
Schwartz
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoder
Young (IN)

NOES—144

Amash
Andrews
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gibson
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heller
Himes
Hinchey
Hirono
Holt
Honda
Hultgren
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kingston
Kucinich
Labrador
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Mack
Maloney
Marchant
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
Payne
Pelosi
Pingree (ME)
Polis

Price (NC)
Rangel
Rehberg
Richardson
Richmond
Roe (TN)
Rohrabacher
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schrader
Schweikert
Scott (VA)
Serrano
Sherman
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Wu
Young (AK)

NOT VOTING—14

Bass (CA)
Berkley
Burton (IN)
Clarke (NY)
Culberson
Frank (MA)
Giffords
Harman
Johnson (GA)
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered ''present'' 3, not voting 19, as follows:

[Roll No. 37]

YEAS—352

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

NAYS—59

Altmire
Baldwin
Boren
Brady (PA)
Burgess
Capuano
Clyburn
Cuellar
DeFazio
Dent
Donnelly (IN)
Filner
Fudge
Hanna
Harris
Hastings (FL)
Heller
Hinchey
Hoyer
Johnson (GA)
Keating
Kucinich
Lee (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lynch
McCarthy (NY)
McDermott
McGovern
Moore
Murphy (PA)
Napolitano
Olver
Owens
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Sires
Terry
Thompson (CA)
Thompson (MS)
Towns
Visclosky
Walden
Weiner
Wu
Young (AK)

ANSWERED ''PRESENT''—3

Amash
Foxx
Gohmert

NOT VOTING—19

Berg
Berkley
Burton (IN)
Clarke (NY)
Culberson
Doggett
Doyle
Giffords
Graves (GA)
Grijalva
Harman
Jordan
Meehan
Rush
Smith (WA)
Tierney
Van Hollen
Woolsey
Young (FL)

□ 1910

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1910

JOB CREATION AND ECONOMIC GROWTH

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

Mr. THOMPSON of Pennsylvania. The 112th Congress has a mandate from the people to focus their legislative efforts on job creation and economic growth.

Career and technical education should be at the forefront of those efforts. Expanding and improving our Nation's career and technical education is one of the most important and effective ways for our communities to produce a well-educated and skilled workforce, ensure that students are career- and college-ready, and individuals have the necessary skills to remain competitive in a changing workforce.

This year, I was named cochairman of the Career and Technical Education Caucus along with Representative LANGEVIN of Rhode Island. In the 112th, our goals are to enhance awareness in Congress of the importance of career and technical education and advance policies that improve skilled labor education and support technical-related small business job growth.

CTE programs exist in every congressional district, and I encourage my colleagues to join the bipartisan Congressional Career and Technical Education Caucus. Together, we can improve America's competitiveness and help facilitate job opportunities for our constituents.

CUTS TO RESEARCH, DEVELOPMENT AND STEM EDUCATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I've come to the House this evening to talk about the deficit, but it's not our budgetary deficit, which is also a concern to many of us, but, rather, the deficit of vision that I see reflected in the CR that we will be voting on later this week. By that, I mean we have a CR before us this week that will do grave damage to our economic competitiveness while having a negligible impact on the Nation's budgetary situation.

It is clear that without a robust, innovative economy, it will be next to impossible to ever truly reduce our national budgetary deficit. Yet this CR cuts some of the very investments that are needed to address the crisis in competitiveness in our country that we are confronting now.

For some time, important leaders in our business and academic community have warned us about this crisis. In 2005, the National Academies panel, chaired by former Lockheed Martin CEO Norm Augustine, released a report, ''Rising Above the Gathering Storm.'' This report warned that without a focused effort by the Federal Government, the future of American competitiveness was bleak. It recommended increased efforts in science, technology, engineering, and math, and we have failed to see this vision.

The reason for these investments is simple: technological innovation leads to jobs. Several studies have estimated that over 50 percent of America's economic growth since World War II is a direct result of technological innovation. Some studies have suggested that this percentage is much higher still.

This technological innovation coincided with an increased Federal investment in research, development and STEM education.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I urge my colleagues to reject the cuts being proposed in the Republican CR.

CONGRATULATIONS TO DALE SPECKEN, 2010 MINNESOTA FIRE OFFICER OF THE YEAR

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

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Minnesota's Fire Officer of the Year, Dale Specken of Hopkins. Known for his can-do attitude, loyalty, and fairness, Dale has long had the respect of all of his colleagues because of his passion for teaching others about fire prevention and going beyond the call of duty to help others and the community.

Dale comes from a long line of firefighters and in 1981 joined the family business. Working hard and rising through the ranks, he became Hopkins fire chief in 2005. Being the dedicated community servant that he is, Dale also serves as the emergency manager and fire marshal for the City of Hopkins.

I want to congratulate Dale on being named Minnesota's Fire Officer of the Year. Thank you for your many years of tireless service and for your unwavering commitment to our community.

WHERE ARE THE JOBS?

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

Mr. GARAMENDI. I was so pleased to hear my colleague a moment ago, Mr. Speaker, talk about firemen. However, the continuing resolution that is now before this House would lay off 1,333 firemen across this Nation. It would also lay off 2,410 firefighters across this Nation.

We're now into the sixth week of the Republican control of this House, and yet we have no jobs; but instead of a jobs bill, we have a jobs layoff bill. The continuing resolution will lay off tens of thousands, indeed, hundreds of thousands of men and women all across this Nation, from firefighters to cops to construction workers; 76 projects that are going to be built and infrastructure will be canceled.

We're looking at 200,000 young children that will not be in the Head Start program, which means their teachers and the others that are running those programs will be laid off.

This is the most anti-jobs bill I could possibly imagine; and here we are in the 6 weeks, no jobs, just job layoffs.

ARIZONA BEGINS ITS 100TH ANNIVERSARY TODAY

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

Mr. SCHWEIKERT. Mr. Speaker, today is one of those special days, and for many of us, you think of it as Valentine's Day, but for Arizona, this is our 99th birthday. Today, we begin our 100th year, and the wonderful folks in Arizona, which is a stunningly beautiful State, for those of you who have not had a chance to visit us—from the Grand Canyon, down through the mountains, down even further to the desert plateaus, to the grasslands down south—come join us for our 100th anniversary celebration.

All through this year, all up and down the State, there are going to be special activities, special dinners, special commemorations for the baby State, the valentine State that is Arizona, as it begins its 100th anniversary today.

THE GRAMMY AWARDS

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

Mr. COHEN. Mr. Speaker, last night in Los Angeles, California, the Grammy Awards took place, and I am proud that one of my Memphis constituents, Kirk Whalum, received a Grammy. I am also proud that a special award was given to Al Bell who had been the head of Stax Records.

But even further, there was a tribute to Solomon Burke, one of the great singers of all time. The tribute was done by Mick Jagger. Nobody can quite do anything like Mick Jagger. But it was fitting that Mick Jagger did Solomon Burke, because Solomon Burke in the 1960s was one of the first African Americans to do Bob Dylan, and Bob Dylan was there, too. And then Eminem got the best rap song.

So it was a good, spirited night at the Grammys of biracial, cultural cooperation and understanding and love.

□ 1920

THE DUST POLICE

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

Mr. POE of Texas. Mr. Speaker, the EPA is now going after the farms and ranches that feed the American people. They say ranching and farming cause dust. Well, no kidding. So out with the dust, and in with more regulations and fines.

Dust has been around since man first tilled the soil with primitive plows and herded sheep and cattle in the wide open spaces. The EPA also doesn't like the dirt roads used by pickups and tractors that crisscross the cattle ranches and farms that are in Texas and in the heartland of America, so the Environmental Police Agency is going to regulate the dust created by farming and ranching by imposing expensive fines on the breadbasket of America. The dust police rule would make it more expensive to feed America.

First it was punishing the domestic energy industry. Now they're going after the agriculture industry. Does the EPA wish that we import all of our food like we do crude oil? This sounds a little bit un-American to me. Maybe the EPA needs to just hit the road.

And that's just the way it is.

CONGRATULATING EGYPT

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

Mr. ELLISON. Mr. Speaker, I rise today to congratulate the valiant, heroic, brave people of Egypt who for 18 days took to the streets in Tahrir Square and used people power to stand up and to liberate themselves. For 18 days, they called on things like governance and to have a hand in their own destiny and their own democracy. Human rights, bread, dignity, things like that. I was so proud, watching the people in Tahrir Square of Egypt stand up and claim their dignity back, and I was proud to be able to say that so many Americans stood shoulder to shoulder with them.

I also want to add, Mr. Speaker, that it demonstrated that the people of Egypt reject the philosophy of al Qaeda, reject the philosophy of extremism, and used nonviolent tactics, tested the world over, to bring forth democracy. This is a wonderful testament to people who want freedom, justice, and equality to stand together peacefully. And it was so good, Mr. Speaker, to see people of multiple faiths—Muslims, Christians, other people, Jews—standing together to say, We want a new day in Egypt.

So, Mr. Speaker, again, my hearty congratulations to the people of Egypt.

AMERICA WORKS TOGETHER, COMES TOGETHER

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

Ms. JACKSON LEE of Texas. As I was traveling, Mr. Speaker, to Washington, I had the opportunity to read the local newspaper. It's a good time for us to reconnect with our community, those that we have not been able to see, to hear their stories. And I was impacted by a story of two students at the University of Texas from different walks of life who had had a passion for football in one instance and a passion for basketball in another instance.

Unfortunately, as they were aspiring to their dreams, both of them found that they had a congenital or a serious heart defect. Young men. One who had come out of the heart of Acres Home, a historically African American community, raised by his grandmother whom he loved; and he chose to stay close to home by going to UT Austin to play basketball. What a devastating blow to find out he could not play when he first got there. What about the young man, huge in size, that almost lost his life on the football field?

But the story is, in this month when we commemorate African American History Month, one was a Caucasian, and one was an African American. It just shows in this Nation how we can work together and come together. These young men have, in a sense, overcome their challenges, and they represent America's heroes. I pay tribute to these two athletes at the University of Texas and thank them for their leadership.

FUNDING FOR THE PATIENT PROTECTION AND AFFORDABLE CARE ACT MUST BE DENIED

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

Mr. BURGESS. Mr. Speaker, today, I sent a letter to Kathleen Sebelius, Secretary of Health and Human Services, asking, in light of Judge Vinson's ruling in Florida 2 weeks ago today where a declaratory judgment was issued that the Patient Protection and Affordable Care Act is indeed unconstitutional, that further implementation of this act not go forward.

In fact, Judge Vinson stated that officials of the executive branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction. There is no reason to conclude that this presumption should not apply here.

Now, I believe the judge is correct, that the administration should not proceed with implementation, and I've asked the Secretary for clarification that that is indeed her position and will be her position going forward.

Of course we do have debate and a vote on the continuing resolution to fund the United States Government for the next 7 months. It is my expectation that funding for provisions of enacting the Patient Protection and Affordable Care Act will not be funded in the continuing resolution.

The American people have made it very clear, and even recently the Florida ruling confirmed that the health care law is unconstitutional, and Congress must do its job to make sure funding for this legislation is denied.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2011.

Hon. KATHLEEN SEBELIUS,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: I write to inquire of the Department of Health and Human Services your response to and specifically subsequent implementation decisions made by the Department in the wake of Judge Vinson's ruling in The State of Florida v. United States Department of Health and Human Services. As you are well aware, the plaintiff sought declaratory judgment that the Patient Protection and Affordable Care Act is unconstitutional as well as an injunction against its enforcement.

In his opinion, Judge Vinson relied on precedent in Committee on Judiciary of U.S. House of Representatives v. Miers to determine that when a court issues a declaratory judgment against federal officials, the ''declaratory judgment is the functional equivalent of an injunction.'' He quoted a previous United States Court of Appeals decision which further addressed his point, ''that officials of the Executive Branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction . . . There is no reason to conclude that this presumption should not apply here. Thus, the award of declaratory relief is adequate and separate injunctive relief is not necessary.''

I would like to request information on how, in light of the declaratory relief issued by Judge Vinson, the Department plans to proceed in its implementation of the Patient Protection and Affordable Care Act.

Thank you for your time and consideration on this issue and I look forward to your response. Should you have any questions, please contact me in my Washington office at (202) 225–7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

The SPEAKER pro tempore (Mr. CANSECO). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

CONGRESSIONAL BLACK CAUCUS HOUR

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

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to lead this Special Order for an hour on behalf of the Congressional Black Caucus and to have some of my distinguished colleagues join me.

But as we begin the Special Order to call attention to the travesty that the Republican leadership is proposing and the cuts that they will be trying to enact for the balance of this year, I want to say something that begins to put these cuts into a particular perspective.

I'm sure that everyone is aware that today is Valentine's Day, a day in which we supposedly celebrate love. As the Republican leadership begins the onslaught on some very important programs, I want to share with them and all of us something that Dr. Cornel West has been reminding us of as of late, that is, that justice is what love looks like in the public arena.

So on this day when we show those close to us we love them, we should also be showing the American people our commitment to justice. Mr. Speaker, the cuts being proposed with the continuing resolution are anything but just.

With that, I would like to yield first to our distinguished assistant minority leader, Mr. CLYBURN, the gentleman from South Carolina, who has been a leader for his State, for this Congress, and for our country, particularly a leader of high morals who leads this country in making sure that we stay true to the values that this country was founded on and continue to operate in that faith.

Mr. CLYBURN. I thank the gentlelady for yielding me this time and thank her for her tremendous leadership on this and many other areas that come before this Congress.

I want to take just a few moments to talk about an issue that's very, very important to a significant number of citizens in our great country. The Wharton School of Business recently held a conference named in honor of Whitney Young, a leader and friend in the struggle for social justice, equality, and civil rights. Whitney Young is probably known best for growing and transforming the Urban League from a sleepy little organization into one of the country's biggest and most aggressive crusaders for social justice.

What he is less known for is his call for a ''domestic Marshall Plan,'' a program to eradicate poverty and deprivation in the United States, similar to the Marshall Plan that was launched to reconstruct Europe after World War II. I would like to use that call for a domestic Marshall Plan as a jumping-off point for my remarks this evening.

Some of Whitney Young's ideas were incorporated into President Lyndon Johnson's War on Poverty over 40 years ago, yet the scourge is still with us. Before the War on Poverty and the Great Society, we had the New Deal. All of these investments in America helped to move us forward as a Nation. But some communities have been left behind each time, and we have begun to call them ''persistent poverty communities,'' places that have had more

than 20 percent of their populations living beneath the poverty level for more than 30 years.

Approximately 15 percent of all counties in America qualify as persistent poverty counties under this definition. These counties are diverse and spread across the country, including Appalachian communities in Kentucky and West Virginia; Native American communities in South Dakota and Alaska; Latino communities in Arizona and New Mexico; African American communities in Mississippi and South Carolina; and urban communities in Philadelphia, New York, Baltimore, and St. Louis.

□ 1930

Democrats represent 149 of these counties, with a total population of 8.7 million. Republicans represent 311 of these counties, with a total population of 8.3 million. Fourteen, with a total population of 5.3 million, are split between Democrats and Republicans.

A total of 43 Democrats and 84 Republicans represent at least a part of one of these counties. Thirty-five of the 50 states have at least one persistent poverty county. Fifteen of South Carolina's 46 counties meet this ignoble distinction, and seven of them are in the Sixth Congressional District that I proudly represent.

This is not a red state or a blue state issue. That's why in the map beside me the persistent poverty communities are colored in purple because poverty knows no political affiliation. Poverty has never been limited to race, region, or creed.

For many years, counties along the I–95 corridor in South Carolina were passed over for economic development. Federal funds found their way to South Carolina, but mysteriously did not find their way into the Sixth Congressional District.

The I–95 corridor is plagued with health disparities. The Sixth District has the dubious distinction of leading the State in incidents of stroke, heart disease, and diabetes. We lead the State in amputations for both adult and juvenile diabetes. This region is known as the buckle of the stroke belt, and is home to the highest rate of prostate cancer deaths among black males in the South.

Scientists tell me that many of these health problems are directly related to water quality. In some of these places in my district, the water is not fit for human consumption. One particular instance in which my office was involved, the Health Department would not allow a water hookup to a home because of the contamination. Yet, the people still drink the water because they have no choice.

Two years ago I offered a provision in the Rural Development section of the Recovery Act that we called the 10–20–30 formula. It stipulated that at least 10 percent of the funds be targeted to counties where at least a 20 percent poverty rate has persisted for the past 30 years. The formula is working.

Marion County, South Carolina, received a $3 million loan and a $4.7 million grant to build 71 miles of water lines, and three water projects in Orangeburg County benefited from this formula, including a $5.6 million grant to bring potable water to these communities. Citizens in these counties will soon be enjoying their first clean glass of water from the faucet, free of contaminants and pollutants, thanks to this formula.

In the coming days and weeks, I will personally reach out to all 127 Members who represent persistent poverty counties in hopes of bringing together a bipartisan task force to ensure that these areas are not overlooked as we emerge from the recession. Hopefully, this task force will work to build on the success of the 10–20–30 formula in the rural development program by extending it to all Federal departments with grant-making authority going forward.

I thank my friend from the Virgin Islands for allowing me to speak about this important issue today.

Mrs. CHRISTENSEN. Thank you, Mr. CLYBURN, and we thank you so much for developing that formula that has begun to help communities that have been long distressed with high poverty levels for all that time, and we look forward to the work of your task force. Obviously this is not a Democrat issue or a Republican issue; it's an American issue. And we look forward to supporting that task force and the work that you will be doing.

Mr. Speaker, at this time I'd like to yield 6 minutes to the gentleman from Virginia (Mr. SCOTT), who leads the Congressional Black Caucus budget and has led it for all the years that I have been here. And I must say that in all of the budgets that he has helped us prepare and present to this body, they have been thoughtful, they have provided funding to the important areas that our communities and some of the communities that Mr. CLYBURN talked about needed, but still has reduced the deficit in every instance.

Mr. SCOTT of Virginia. I thank the gentlelady for yielding, and if we're going to be able to address the important matters that our assistant leader has suggested, it's going to depend on our ability to get the budget under control.

When we talk about the budget, we need to put the budget in perspective. I was first elected in 1992, and in 1993 we considered a budget that put an end to fiscal recklessness. We passed a budget that, by the end of the 8 years of the Clinton administration, had not only eliminated the deficit, but had created enough surplus to have paid off the entire national debt held by the public by 2 years ago. That would mean that we'd owe no money to Japan, no money to China, no money to Saudi Arabia. That budget also created a record number of jobs and record economic activity, as noted by the record increase in the Dow Jones Industrial Average. So we had a good budget. We had fiscal responsibility, but unfortunately, in 2001, that came to an end when we reverted to fiscal irresponsibility.

Under the Bush administration, we passed two tax cuts without paying for them, a prescriptive drug benefit without paying for it, fought two wars in the middle of cutting taxes, and a $700 billion bailout, all of which put us in the economic ditch.

Now, in order to get these large deficits we now have under control, we're going to have to make some tough choices. Unfortunately, last year we started off in the wrong direction. We considered a huge tax cut bill last year that went in the wrong direction at a total cost, 2-year cost, of $800 billion. And to put that in perspective, $800 billion is more than we spent on the TARP program, about the same as the stimulus, about the same as what the health care bill spends in 10 years, that tax cut bill spent in two.

In case people don't really appreciate how big a bill that was, we checked with the National Conference of State Legislatures and ascertained that the total general fund budget, add them up, for 50 states, general fund budget of 50 states was $650 billion. We, in one vote, cut taxes by $800 billion.

And before that bill was passed, we asked, well, how are you going to pay for it? One of the ways is that we jeopardize Social Security in the bill, cutting the payroll tax, so money coming into Social Security will have to be subsidized by the general fund. That puts the Social Security program in competition with everything else in the budget. And so we put Social Security in jeopardy.

And we also had tax cuts for dead multimillionaires. I say dead multimillionaires because everybody expected us to have an exemption of $3.5 million, $7 million per couple, where you pay no taxes and begin paying taxes after that. Well, we increased that exemption, the amount you can get without paying any estate tax, to $5 million, and reduced the rate.

□ 1940

That additional assistance to dead multimillionaires cost $24 billion. Again, how are we going to pay for it?

You can look at the continuing resolution in next year's budget, a budget that the Republicans have already attacked for not cutting enough, and look what it does to the safety net:

LIHEAP, the Low Income Heating and Energy Assistance Program, for those that can't pay their energy bills and risk freezing to death, we cut that by one-half billion dollars to help fund the multimillionaire tax cut;

Women Infants and Children, the WIC program, so that babies can be born healthy and start off on the right track, we cut that program;

Job training and employment services, for those who have lost their jobs and may never return, trying to get a job that will be there, we cut that program;

Community health centers, public housing, at a time of record foreclosures, we're cutting those programs to partially fund that tax cut.

Opportunities:

Head Start, we only address the needs in Head Start for half the eligible children. We are going to cut Head Start to deprive millions of children of that important opportunity of starting off on the right track. We have found that Head Start will increase graduation rates, reduce delinquency, reduce the need for welfare, save more money than it costs. We're cutting that program;

TRIO and GEAR UP, programs that encourage young people to go to college, we're cutting those programs;

Assistance to Historically Black Colleges and Universities and Hispanic-serving institutions by significant amounts. Those deal with a lot of first-generation children;

Funds for improvement of postsecondary education, cut.

Our investments in America's future:

NASA, National Aeronautics and Space Administration, National Science Foundation, Advanced Research Project, all cut. These are investments in our future;

The National Infrastructure Innovation Fund, and rescinding billions in high-speed rail. Other countries are investing in high-speed rail. We're cutting high-speed rail.

Now, we should be more responsible when it comes to balancing the budget, and we can do it. But you can't do it by beginning the discussion with an $800 billion tax cut without telling people how you are going to pay for it. Cutting critical safety net programs, initiatives to give opportunities for our youth, and initiatives that will invest in our future, these are the things that are being cut to fund that tax cut bill from last year.

We cannot disassociate ourselves from the connection of cuts that we are making today from the tax cut bills that we passed before. People are saying, well, we can't afford it. Well, we could have afforded it had we not passed that tax cut. We need to rescind what we did last year so we do not have to make these draconian cuts this year.

We should have been honest with the people last year. I don't think the people want cuts in Social Security, the safety net, and investments in our future. We can do better, and that's why we are going to be fighting against these draconian cuts that are so important to so many people and make sure that we go off and continue on the right track, as we did in 1993, where we can pass a responsible budget, address the needs of the people, create jobs, economic activity, and we were on course to paying off the national debt.

Mrs. CHRISTENSEN. Thank you, Mr. SCOTT. And I remember when the tax cuts were being debated and you led us, because we knew that those tax cuts would be paid for by cuts to the programs that our communities need most and that the American people want. The Pew Foundation did a poll that showed that people don't want cuts in those programs.

It was interesting, Paul Krugman in The New York Times today made a good point. Because the bill doesn't have one of those nice names that are usually attached to Republican bills when they are doing something that would hurt the public, he suggested we call it the Eat the Future bill, because that's what we're doing. We're taking away things now that we need to invest in to build our future.

So thank you, Mr. SCOTT, and thank you for your leadership on the budget.

At this time, Mr. Speaker, I yield 5 minutes to our leader, the chair of the Congressional Black Caucus, EMANUEL CLEAVER from Missouri.

Mr. CLEAVER. Thank you, Congresswoman.

I think that what Congressman BOBBY SCOTT just said has to be echoed. And as is often said on the floor in this august Chamber is that I would like to associate myself with the comments of the previous speaker.

Congresswoman DONNA CHRISTENSEN has led the discussion on this vital issue that we will not be silent about. Mr. Speaker, in my real life as an ordained United Methodist pastor, I say to our congregation and congregations where I speak that if you want to know what a person is really like, if you want to know who a person really is, look through their checkbook. The checkbook will reveal quite clearly what a person believes in.

The same thing is true of a corporation and a nation, and the budget of the United States is a bold statement about who we are as a Nation. It says clearly what we believe in and the things we don't believe in. It is a statement that paints a picture of the United States of America.

Mr. Speaker, the picture that is being painted now is a picture that could be used on the chiller channel. It is a picture of a nation that would prefer to move toward deficit and debt reduction by unduly placing pain on the poor or, most appropriately and significantly, on the men and women of this country who are now pushed aside.

Normally, when we talk about the poor, in people's minds they see minorities and the people who are lazy and shiftless and who don't want to work. We are experiencing the greatest economic crisis since October 1929, and the people who we are looking at as being available to be discarded are police officers and teachers and State employees and municipal workers who have been laid off.

Every State in the Union is having financial problems. Every State in the Union is laying off employees. In my hometown, Kansas City, Missouri, we have a $60 million shortfall. The State government has a $200 million shortfall, and so State workers are being laid off. What we are saying now is that the people who are already experiencing pain should get ready to experience some additional pain.

And I have heard over and over and over again, well, everybody must share in the pain. The question that I have asked that nobody has answered, I asked this in our committee last week: Why? Why should everybody end up suffering? Because everybody didn't contribute to this problem, number one. And, on top of that, the individuals who were hurt as a result of the recession we are asking to receive some additional pain. And that is simply not the way I think we want to project ourselves to ourselves, and certainly to the international community.

As Congressman SCOTT mentioned, we had a tax cut and made some major decisions before we went home for Christmas, and nobody stood on the floor and repeatedly asked the question: How are we going to pay for it? Well, now we are going to pay for it by equally, as we like to say, trying to place the pain on everyone.

We are not talking about getting rid of Freddie Mac and Fannie Mae. And the amazing thing is that the people, Wall Street, who caused much of the problems, are now being rewarded for causing the problems. We are going to say, okay, we're going to privatize Fannie Mae and Freddie Mac. We're going to do all kinds of things that would accommodate the Wall Street barons who helped cause the crisis.

□ 1950

And the poorest people in this country are going to end up suffering even more so. We even had to fight to continue unemployment benefits. We had a battle on this floor to continue the unemployment benefits for people who, through no fault of their own, lost their jobs, such as police officers and firefighters.

Then we come out with this budget. This budget that we are about to debate is a nervous breakdown on paper. It is not something that we can be proud of as people of the United States, because it shows that we don't think in terms of trying to minimize the pain on the least of these.

Now, to be sure, the United States faces a painful and profound problem with our deficit and our debt. It has to be dealt with. I am on the Financial Services Committee. I asked this question in the committee last week: Are we serious about cutting the debt, when we say we are not going to talk about the entitlements?

We are not going to talk about Social Security, we are not going to talk about Medicare or Medicaid, and we certainly can't do anything with the annual debt service, which is a part of the budget that we can't make decisions on. We have to pay it. So, if we are not seriously trying to reduce the deficit by dealing with the entitlements, then what we are saying is we are going to play with the American public, tell them we are trying to be serious about the debt, when we know we are not.

This is not going to make any kind of substantial reduction in our deficit over the long term. We have got to seriously deal with this problem, and we are not doing it. We are absolutely not dealing with it. Nobody wants to talk about the Social Security issue, because they are thinking about reelection. Not because it shouldn't be dealt with, but they are thinking reelection.

There is criticism, well, the President should have lead the discussion on changing the retirement age on Social Security to a higher number, or somehow creating a new system whereby we have a means test, where individuals who are making $500,000 a year simply can't also draw their Social Security. We are not even talking about that. And there is nobody on this Hill who can stand up and say we can address this problem very seriously without dealing with the entitlements.

So I am sorry that we are going to hurt so many people in the process of just kind of tinkering around the edges of what is a very serious problem.

My final comment, Congresswoman CHRISTENSEN, is there are a lot of people who ran for office and said we are going to deal with this deficit. But even they are not talking about the only way in which we can change this problem that we are having. Every economist will tell you that that is the only way we are going to deal with the deficit. There is not a single economist who is credible who will say we can deal with this in any other way, yet we are not dealing with it, and it is really a great tragedy.

I do think, as I conclude my comments, Mrs. CHRISTENSEN, that the whole issue of what we are doing is so painful that even Ben Bernanke is saying, yes, we have to make cuts. But he is also saying you have to be careful. Look, the United States is the only entity putting money into the economy in any serious way right now, and if we withdraw it there could be economic consequences of withdrawing the kind of money we are talking about withdrawing.

Some of us are going to challenge it at every opportunity, because it is the wrong thing to do.

Mrs. CHRISTENSEN. Thank you, Congressman CLEAVER. We are certainly fortunate to having you leading the Congressional Black Caucus at this time. I think we need a pastor as leader.

At church yesterday, my minister spoke about our need as Christians. But this would apply to any faith, that we must be on the side of the dispossessed, the helpless, the hopeless, and the marginalized, and the cuts that the Republicans plan would clearly hurt the least of these and are definitely not on their side.

I want to yield at this time to the gentlewoman from Texas, Congresswoman EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Congresswoman CHRISTENSEN.

The National Science Foundation was created in 1950; the Defense Advanced Research Projects Agency, or DARPA, and NASA were created in 1958; and the Department of Energy was established in 1977. Some of the technologies which originated from these Federal investments include the laser, Internet, fiber optics, and nuclear power.

Companies which sprang forth from these efforts include companies like Google, SAS, Cisco Systems, Orbital Sciences, and Sun Microsystems. These five companies alone employ 130,000 people, 130,000 jobs which were created from relatively modest Federal investment. And there are hundreds of companies which had their beginning in Federal research grants.

The equation is clear: Federal investment in research and development leads to new technologies and products which create jobs. And on the other side of the equation, focused investment in STEM education produces a highly-skilled workforce which ensures these high-tech jobs stay in America.

At a Science and Technology Committee last session, Tom Donohue of the United States Chamber of Commerce had this to say: ''Research and development is the very lifeblood of our knowledge economy.'' That just about sums it up. In addition, investments in R&D also help to increase the participation of minorities in the R&D enterprises.

Through the efforts of many in Congress, including those speaking tonight, we have made great progress in expanding the pool of talent that this country can draw on to address the competitiveness challenge that we are facing. However, the CR before us this week would take us back and undo much of the good work that has been done to date.

Let me just quote a few negative impacts of this proposed CR. The CR would severely reduce, by 78 percent, funding for Hispanic-serving colleges and completely eliminate Federal support for several other programs for minority-serving colleges, including tribal colleges and institutions that serve significant numbers of black and Asian students.

The key Education Department program for historically black colleges and universities would lose $85 million of the $266 million it received in 2010, or about a third of it. The CR eliminates $103 million for the Tech-Prep Program for vocational education, which heavily benefits community colleges, and also guts funding for the creation and support of statewide education data systems and eliminates all congressional earmarks for individual institutions, which in 2010 totaled almost $2 billion for colleges and universities.

Under this proposal, title I would be cut by $693.5 million. The cut to title I of the Elementary and Secondary Education Act would mean 2,400 schools that serve nearly 1 million disadvantaged students would lose funding for teachers, tutors, and after-school programs. Nearly 10,000 teacher aides could lose their jobs.

Head Start was targeted for one of the biggest reductions, a $1 billion cut below fiscal 2010. The massive cuts to the Head Start Program would remove 218,000 low income children and families and close more than 16,000 Head Start and Early Head Start classrooms across the country. It would leave 55,000 teachers, teacher assistants, and related staff without jobs.

The Pell Grant scholarship maximum award would be reduced by $845, from $5,550 to $4,750. Many of the 9.4 million students who are projected to receive a Pell Grant in the 2011–2012 school year would see a lower grant award, requiring them to take on more loans for their college tuition.

□ 2000

In addition, it makes cuts to the programs of the National Science Foundation that would lead to elimination of huge research grants, affecting thousands of researchers, which can only have a negative impact on opportunities for minorities to make contributions in science and technology.

And I can fill up an hour debate time all by myself if I were to list all of the terrible impacts that the proposed cuts to the Department of Energy, NIST, NASA, NOAA, and EPA would have. Each of these agencies is critical to our future competitiveness and each of these agencies is slated for ill-founded cuts.

Unfortunately, our children and our grandchildren will be the ones who ultimately pay the price for misguided cuts when they inherit an America that is no longer the world leader in innovation.

We can do better. I urge my colleagues to reject the cuts being proposed in the Republican CR.

Mrs. CHRISTENSEN. Thank you, Ms. JOHNSON, a former chair of the CBC and a leader in science for many years.

I now yield to the other gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady for yielding and thank her for leading. As I see my colleagues on the floor, let me just try to focus on one or two points. And maybe on this Valentine's evening—I think a lot of our colleagues who were fortunate enough to have their spouses here rushed off, and we're delighted. Let me wish everyone a happy Valentine's Day. And let me wish my husband in Texas, far away, a happy Valentine's Day. But he might not be having such a good Valentine's Day because he is in higher education. And, frankly, this CR is going to put more than a dent. It is going to put a real bite.

This is an effort to show you what progress we've made. Private sector employment has increased for 12 straight months. Private employers added more than 1.3 million jobs in 2010. But they have to have an educated

workforce. And, as you can see, we're going up. The cup is half full and not half empty. But when you have the numbers that I'm about to relate to you, where you're seeing Pell Grants cut 15 percent—Mr. Speaker, I met with my universities—the University of Houston, Houston Community College, Lone Star, Texas Southern University; and if there was one thing that they emphasized it is the equal opportunity that is provided to all students through a Pell Grant.

If we are to go with the CR as it is, we're talking about a reduction in the middle of the school year of $5,550 to $4,705. Do you know what that does to a student? It doesn't tell them, Let me try to ramp up my extra job. It says, I am dropping out. You know what happens to the workforce? It disappears. And so I am concerned that we are in this predicament.

So let me tell you something else. I have been a strong champion of the COPS On the Beat program. And we have seen evidence of the fact that we have gained in the downsizing, or the decreasing, of crime. The proposed CR will cut $600 million in funding to community-oriented policing. And, of course, what will happen is 3,000 fewer officers. You can be assured Houston, Texas, which got their first COPS grants just a few months ago, that I worked very hard on, will be one of the victims of that.

Let me just conclude by suggesting that one of the points my good friend the assistant leader made, community health clinics is not a partisan issue. It is to give access to all communities, and particularly rural communities. I'm from Texas. One of the reasons I fought so hard for community health clinics, particularly under the Bush administration, I actually talked to former President Bush and one of our encounters was to challenge and to encourage how we could in fact secure, if you will, more funding for Texas for community health centers in the rural areas. I'm glad we worked together, and actually we've seen a ramp-up. And we've seen a ramp-up with the Affordable Care Act, which helps to provide the kind of, if you will, health care for those in faraway communities where there are not enough doctors.

Finally, may I say to you that to cut the National Science Foundation is terrible. It doesn't make any sense. And I would offer to say that this is about work. Health care; cops to make it safe; Pell Grants to train the 21st-century workforce. I know there are colleagues on the other side of the aisle that will work with us to get this CR where it needs to be. I, too, am for a reasoned budget-cutting that we need to do. I did it in years past. We balanced the budget in 1997. We can do it again. I, frankly, believe we should not cut into the very quality of life that is so needed.

Let me thank my good friend and the Congressional Black Caucus, working with my other colleagues to ensure that we stand for job creation, investing in job creation. Unfortunately, the CR, as it stands today—the continuing resolution, for those who are not sure of what that is—is not going to work. Let's invest in America.

H.R. 1, the Continuing Resolution making appropriations to fund the federal government through September 20, 2011 contains some very deep cuts that will be very hurtful to many Americans, especially those who are the most vulnerable—disadvantaged women and families, children, minorities, and the elderly. The proposed cuts in the CR will have a disproportionate affect the low-income and minority portions of our population.

As we face a large deficit and growing debt, we know that cuts will have to be made. And yes, some of those cuts will be painful. However, we must be careful not to place added burdens and cause greater harm to those Americans who are the most vulnerable in need of our support the most.

The proposed CR calls for a 15% reduction in funding for Pell grants. Such a cut will reduce the maximum Pell grant award from its current level of $5,550 to $4,705. This would present a serious problem for institutions of higher learning, but more importantly, it creates a major hardship on students. Current students who receive Pell grants would have to figure out a way to come up with nearly an additional $1,000 in order to continue their education. Students who have been accepted to school and have received their financial aid packages are also put in a position that would force them to find and secure additional funds for their schooling. Pell Grants provide the basic foundation of federal student aid and help more than 8 million students afford to attend college.

To some of us, $800–$1,000 may not seem significant. However, to a student who qualifies for Pell grant assistance, and who relies on those funds, this would be a great hardship, potentially forcing students to take time off from their schooling.

The proposed CR will cut $1.3 billion of funding previously allocated to support Community Health Centers. These types of facilities are widely utilized in low income areas and oftentimes, are the backbone of health care services in the areas in which they are located. Without them, quality health care for many poor and disadvantaged Americans will be out of reach.

Although my Republican colleagues claim that the proposed CR will not cut precious education funding, there are, in fact, significant cuts that will have a detrimental impact on education—especially higher education. Many fellowships offered at institutions of higher education are funded by competitive and non-competitive grants issued by the National Science Foundation (NSF) and the National Institutes of Health (NIH). Cutting funding to these organizations will impose a great hardship on students striving to educate themselves in order that they can be competitive in a global economy.

Under the proposed CR, NSF funding would be cut by $139 million.

Under the proposed CR, NIH funding would be cut by $1 billion.

The proposed CR will cut nearly $2 million dollars from the Minority Business Development Agency.

The proposed CR would cut $600 million dollars from the Community Oriented Policing Services programs (COPS). Such a cut would require a complete elimination of the hiring programs. Over the years, COPS has funded the hiring of more than 122,000 state and local police officers and sheriff's deputies in communities across America. This proposed cut will prevent the hiring and rehiring of over 3,000 fewer law enforcement officers.

The public safety of our communities is important, and during these tough economic times as we recover from one of our country's worse recessions, every job counts. We can not afford cuts that will cost jobs for hard-working American people.

Another instance where the CR disproportionately affects our low-income, minority population is the cut to WIC funding. The current CR calls for a huge cut, $758 million, to funding for the WIC program, which supplements nutrition for low-income and disadvantaged women and children.

Under the proposed CR, the entire Title X provision, which funds family planning resources such as Planned Parenthood, would be eliminated, a cut of $327 million. Family planning funding has been an essential tool for many communities, especially in low income areas.

Under the American Recovery and Reinvestment Act (ARRA), we set aside funds to help invigorate the economy across various areas. These funds were intended to be used over a number to encourage the continued growth of the economy. However, under the proposed CR, any unobligated or uncommitted stimulus funding would be eliminated.

The cut of $1.1 billion, or 14% below the FY2010 appropriation ($7.2 billion in FY2010) and more than $500 million below FY2008, would translate to a massive loss of comprehensive early childhood services, causing more than 200,000 children across the country to be kicked out of the Head Start program. This further reduction is catastrophic and will also put thousands of Head Start teachers out of work and into the unemployment lines. Additionally, this funding level would mean cuts to research grants, training and technical assistance grants and monitoring activities.

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON LEE. Thank you for your leadership on so many issues. I'm not sure if you mentioned, but there's also some job training programs that would be cut under the CR at a time when jobs are so badly needed across this country.

At this time I would like to yield to the gentleman from Georgia, HANK JOHNSON, who joined me the last time we had a Special Order. Thanks for joining us again this evening.

Mr. JOHNSON of Georgia. I thank the gentlewoman from the Virgin Islands. I appreciate how much you care about people.

Indeed, Mr. Speaker, the Federal Government touches all of us, every single person who lives in America. The Federal budget touches each one of us in some way or another. Whether or not it would be when we call 9/11 for police help or whether or not we call 9/11 for the fire department, or even when we are sending our children to school, the teachers, they are touched by the Federal budget.

What we now have, which has been introduced on Friday by the folks on

the other side of the aisle, my Republican brothers and sisters, is an assault on each one of us. It's an extremist position that they have taken to cut things that are so important to Americans' quality of life. And I just simply don't believe that the majority of the American people are in favor of eliminating the positions of thousands of police officers across this land; of leaving fire departments high and dry, with not enough personnel. And we certainly don't want our schools to have hundreds of kids in one classroom because we don't pay for teachers. Those positions are going to be hurt and severely impacted with these extremist budget cuts that are being recommended by the Republicans.

Certainly, they want to break the backs of the unions that represent these employees because they know that the Federal Government—they know that these workers are protected by moneys that the Federal Government transfers to the States and local governments. In fact, with the recovery bill that was passed out of this very body back in 2009, $800-some-odd billion, it was the greatest transfer of Federal dollars to the States in the history of this Nation. And what it did, Mr. Speaker, was to save the jobs of police officers, firefighters, municipal workers, and teachers across this land.

But we are now at the point where there is no understanding, no admission that that recovery package actually helped, when in fact it did. Lots of people would not be working right now if it had not been for that recovery package. What we want to do now is exactly the opposite. We want to cut the budget, we want to cut aid and assistance to States and local governments to such a degree that it will force those governments to start laying off workers en masse. And it's not good for America, it's not good for Americans. And certainly there is a better way.

□ 2010

Especially when you think about it, we could pay for it if we eliminate some of these tax breaks for the wealthy and from people who don't need them.

Take the oil companies, for example. Can they afford to lose some of their multibillion dollar tax breaks in that great big, unwieldy Tax Code? Sure, they can. That's going to help us, but there's nothing like that coming from my friends on the other side of the aisle.

They just simply want to balance this budget on the backs of the working people of this country. They want to turn this country into a pink slip nation, and they want to balance the budget on the backs of working people. So I'm going to do everything I can to speak on behalf of the shrinking middle class, who are the people I serve.

Thank you, Congresswoman.

Mrs. CHRISTENSEN. Thank you, Congressman JOHNSON. Thank you for your passion on behalf of the middle class and the poor.

As Congressman SCOTT said, throughout this recession, it has been the working people and the poor who have borne the brunt of the recession. Now they're being asked to give more. While those who are wealthier and the corporations did very well, they are being asked to give nothing. So we do need to make sure that our voices are heard and that we do everything we can to make sure that the programs that are so important to this country and to the future of this country, if we are going to win the future, are not lost, beginning with this CR.

I would now like to yield 3 minutes to the gentleman from New Jersey, Mr. DONALD PAYNE, also a former chair of the Congressional Black Caucus. He has been a leader in education as well as in international affairs, and is a senior member of the Education and the Workforce Committee.

Mr. PAYNE. Mr. Speaker, let me begin by thanking the gentlelady from the Virgin Islands, Congresswoman DONNA CHRISTENSEN, our distinguished chair of the CBC Health Braintrust, for anchoring this evening's Special Order on the budget. Her leadership and continued diligence in addressing the issues that confront our Nation in general, but African Americans in particular, are imperative to our progress as a Nation.

Recently, Republican House leadership introduced a continuing resolution containing the largest spending cuts in history. Subsequently, President Obama unveiled his FY 2012 budget to support the Nation's competitive growth while making difficult decisions to address our economic deficit.

I rise today to urge my colleagues to remember that, as we consider these spending proposals, in addition to our economic deficit, we have a job deficit, which continues to worsen, in part, by an ever-growing educational deficit. They work together. While we must work to rein in spending, we must not cut funding to the extent that our development and growth in the areas of education and employment will be hampered if we do that.

One of the challenges in addressing unemployment has been the rapid decline in certain occupations and industries and in our labor market's inability to meet the demands of new occupations and industries. More than two-thirds of workers in occupations and industries that are growing have at least some postsecondary education compared to one-third of workers in occupations and industries that are declining. The demand for postsecondary education, as well as the rapid increase in baby boom retirements, is predicted to result in a shortage of more than 14 million college graduates by the year 2020 in this country.

In addition, military recruiters are likely to experience a shortage in traditional high school recruiting due to the high school dropout crisis and low student proficiency levels. Among high school graduates, about one in five does not meet the minimum standards necessary to enlist in the U.S. Army today.

These facts highlight the reality that our growing education deficit is a greater long-term threat to our Nation's well-being than any other challenge we face today. The 2009 Program for International Student Assessment shows 15-year-old students in the U.S. are performing about average in reading and science and below average in math. Of the 34 developed countries assessed, the U.S. ranked 14th in reading, 17th in science, and 25th in math. While these scores are all higher than those from 2003 and 2006, they are far behind our global competitors, which include South Korea, Finland, Singapore, Hong Kong and Shanghai in China, and Canada.

Our domestic assessment results paint a similar picture. The National Center for Education Statistics reports that as of 2009 only about 33 percent of our Nation's fourth-graders are proficient readers. These low proficiency levels continue to fuel our dropout crisis on the high school and college levels. Nearly 7,000 students drop out of high school in our Nation daily, and about one-third of first-year American college students are required to take at least one remedial course. Unfortunately, a disproportionate number of these students are underrepresented minorities.

Further threatening our global standing is the higher education deficit in the science and technology fields. In 2000, Asian universities produced 1.2 million science and engineering graduates. European universities produced 850,000, and the United States produced 500,000.

In an economy dependent upon an innovative workforce, in addition to addressing our national high school and college graduation rates, we must increase our level of science, technology, engineering, and math (STEM) field graduates. To do so, we need an innovative agenda to develop the potential of all students, especially unrepresented minorities, who have represented the bottom of the academic achievement gap in this country for too long.

For this reason, and as I conclude, I commend the President for his proposed investments in education to support early learning, to improve schoolteachers and leaders, to improve science, technology, engineering, and math education, and to promote college access and completion.

However, I strongly oppose the nearly $5 billion reduction proposal from the Republican House leadership in the area of education. Cuts to teacher and school leadership programs, as well as Head Start, Pell Grants, and 21st Century Community Learning Centers are counterproductive in our effort to strengthen our national competitiveness.

I am also gravely concerned about proposed cuts to programs that stimulate job growth, that assist the working poor, that address health disparities, and that increase diversity. I strongly oppose cuts to the Women, Infants and Children (WIC) program, training and employment services, community health centers, low-income home energy assistance programs, and neighborhood development initiatives. These cuts and others disproportionately impact our most vulnerable population.

While I understand that our economic crisis calls for difficult budgeting constraints, I believe this should be a shared responsibility, not an overhaul of the Nation's economic crisis at the expense of our most vulnerable populations and our global competitiveness as a Nation.

Mrs. CHRISTENSEN. Thank you, Congressman PAYNE, for joining us this evening and for pointing out those very important issues that could be lost if this CR is passed as proposed.

I want to just talk about a few issues.

On the first day of the 112th Congress and this Republican-led House, the leadership took away the vote, in the Committee of the Whole, from the District of Columbia and the Territories. Apparently, that was not enough. Last week, they moved to impose their will and their conservative ideology on the people of our Nation's capital. Now, in the continuing resolution that is proposed, the assault continues, because the Office of Insular Affairs, which would support our Territories moving to more self-sufficiency, is slated to get cut by almost $7 million.

My district had a major flood disaster late last year, something that has not happened in recent or even distant memory. A beloved member of our community drowned, and many lost property and suffered damage to property. The proposed CR would cut funding for flood emergencies. I am sure that places like Tennessee and New Orleans and other places that have had floods recently or that are the potential flood areas of our Nation would not want to have flood disaster funding cut.

□ 2020

My district also has the highest concentration of greenhouse gases per square mile, and we're fully dependent on diesel for our power. The cost of electricity in the Virgin Islands is crushing families, closing businesses, and hurting our elderly. But in the Republican-proposed CR, they are planning to cut almost every EPA program that we need to protect the health and safety of communities like mine and almost every program that supports the development of renewable energy.

After the Bush administration turned a surplus into the deficit we're now trying to close, communities across this country experienced a continuing increase in violent crime because of the economic distress that they faced. And so what do my Republicans want to do? In the CR, they want to cut funding for police programs, for the Substance Abuse and Mental Health Administration, as well as many other health programs, for juvenile delinquency prevention, for job training programs, as well as the community block grant and community development programs, programs that our communities need to address the rising gun violence that this economic crisis is exacerbating.

For years, the Republican caucus has been trying to get their hands on the National Endowment for the Arts and the National Endowment for the Humanities, as well as the Smithsonian funding. So these important programs, which are probably needed more than ever because there's so much pain and suffering across this country, they're also on the chopping block.

As you've heard, WIC has already been cut twice last year, and yet it is proposed to be cut over $600 million. And if that were not enough, over $200 million is proposed to be cut from maternal and child health programs. Where is the justice and the love for our country's children?

At this time, I'd like to just yield once again for the remaining time to the Congresswoman from Texas, Congresswoman SHEILA JACKSON LEE, to speak on some of the other areas that the CR would cut and hurt our effort to win the future.

Ms. JACKSON LEE of Texas. Congresswoman CHRISTENSEN, you don't know now how difficult it is for many of us to accept the assignment or the lack of assignment that this present majority leadership gave to the territories, and I want to thank you for placing this squarely on the record, frankly.

We worked harmoniously with the District of Columbia and the Virgin Islands and Samoa and Guam and other places, Puerto Rico. We worked because it was important to have the insight and constructive input on these legislative initiatives but, more importantly, on the floor of the House. So let me just reemphasize in joining you to say that the territories should not suffer. In the CR, they do.

I just want to hold up, this was a letter to my colleagues, a letter to America, a letter to Houstonians. This is the long list of cuts, and let me just cite for you very quickly so that you understand what we're talking about. We have to cut, but can we do it in a manner that is constructive?

Everybody is running from Social Security, Medicare, and Medicaid, and we frankly understand that, and so they put the pressure on 16 percent, but you're cutting in the middle of the year, when people are dependent on this funding.

Juvenile justice, $2.3 million. The COPS program, I already mentioned, many cops will be laid off.

NASA, $379 million, literally stopping NASA, the National Aeronautics Space Administration, in its tracks, forgetting about human exploration, forgetting about science.

The Legal Services Corporation. No one without counsel can speak for a person who is desperate and cannot access counsel. So, if you have counsel, which really was what I was saying, you cannot speak for someone who does not. Legal Services Corporation is the wedge between justice and being thrown out.

EPA, $1.6 billion; women and infant children, $758 million; job training—I just mentioned you have to invest in job training—$2 billion; and community health centers, $1.3 billion; high-speed rail, $1 billion. And of course, all of that is about jobs.

As so, as a member of the Congressional Black Caucus, as a Member of the larger body of Members, Republicans and Democrats, this CR is going to be a bite that is so stiff and so tough, I am hoping that some will view it not as a political prize, not as ''I did it. They told me to go here and do it.'' When you come inside this august body, you drop your partisan politics and you ask the question: What is good for America? You're not a partisan Democrat, a partisan Republican, or a partisan tea party. What you are is ''Can we come together?''

Now, I know I am not going to agree with all these cuts, but I didn't mention all these cuts. I know some of these things have to be. I didn't mention GSA. I think we're cutting them too much, but I believe we have some common ground, but how can you cut Pell grants? Students are in, if you will, they're actually in school and you are cutting them.

Let me just say to the gentlelady as I yield back, thank you. Let's come together as Americans. And I thank you for leading this hour on behalf of the Congressional Black Caucus.

President Clinton left President Bush with a ten year projected surplus of $5.6 trillion in 2001. Whereas, President Bush on January 20, 2009 left President Obama with a $1.2 trillion deficit. Keep in mind that this was the deficit on day one of the Obama Administration, weeks before the President enacted a single piece of legislation and the American Recovery and Reinvestment Act.

The failed economic policies of the Bush Administration led to this enormous deficit—the 2001 and 2003 tax cuts totaled $1.3 trillion over ten years, in which most of the tax relief went to the top 1% of income earners; a Medicare Prescription Drug benefit with a ten year cost of nearly $1 trillion that was not offset; two overseas wars that are nearing a cost of $1 trillion; a $700 billion bailout of Wall Street banks; and all these unpaid for policies were compounded by the worst economic recession in 70 years that began in 2007 which led to huge shortfalls in federal tax revenue and increased reliance on unemployment insurance and other federal social safety net programs.

In order to get these large deficits under control, we have some tough choices to make.

How much longer can we afford to extend the Bush-era tax cuts?

The President and Congress extended all of them through 2012 at a two year cost of $800 billion.

A ten year extension of all these tax cuts will cost $3.8 trillion—$3 trillion of which are the popular middle-class tax cuts.

Earlier this week, the Congressional Budget Office released its latest projections of the Social Security Trust Fund. It was previously projected to go into a cash deficit in 2017, but now CBO has projected that the trust fund is now running a deficit. The trust is expected to be exhausted in 2037.

We can no longer operate under the assumption of the last decade, that we can increase spending and reduce taxes without having to pay for it.

The last Congress took important steps to restore some important tools that were used to produce the first budget surplus in more than a generation in the late 1990s, such as Statutory Pay-As-You-Go—meaning if Congress wants to increase mandatory spending, we have to offset it by reducing spending elsewhere in the budget or increase taxes to cover the increase.

Unfortunately, the new Republican majority has changed House rules gutting PAY-GO's effectiveness in the congressional budget process. The so-called CUT-GO rule prohibits offsetting any new mandatory spending with a revenue increase. This makes it nearly impossible to offset any new spending or tax cuts with revenue increases and will require only spending cuts.

In another unprecedented change, the House voted to give the House Budget Committee Chairman the sole responsibility for setting discretionary spending levels for the remainder of Fiscal Year 2011. The House of Representatives as a whole will be deprived of the right to vote up or down the Budget Chairman's levels.

We have to remember that what we do with the Federal budget touches everyone. Our fiscal problems are very complex and they need to be addressed, but there is no simple, one-size-fits-all solution.

H.R. 1, the Continuing Resolution making appropriations to fund the federal government through September 20, 2011 contains some very deep cuts that will be very hurtful to many Americans, especially those who are the most vulnerable—disadvantaged women and families, children, minorities, and the elderly.

As we face a large deficit and growing debt, we know that cuts will have to be made. And yes, some of those cuts will be painful. However, we must be careful not to place added burdens and cause greater harms to those Americans who are the most vulnerable in need of our support the most.

The proposed CR will cut funding allocated to support Community Health Centers. These types of facilities are widely utilized in low income areas and oftentimes, are the backbone of healthcare services in the areas in which they are located. Without them, quality health care for many poor and disadvantaged Americans will be out of reach.

Although my Republican colleagues claim that the proposed CR will not cut precious education funding, there are, in fact, significant cuts that will have a detrimental impact on education—especially higher education. Many fellowships offered at institutions of higher education are funded by competitive and non-competitive grants issued by the National Science Foundation (NSF) and the National Institutes of Health (NIH). Cutting funding to these organizations will impose a great hardship on students striving to educate themselves in order that they can be competitive in a global economy.

Under the proposed CR, NSF funding would be cut by $139 million.

Under the proposed CR, NIH funding would be cut by $1 billion.

The proposed CR will cut nearly $2 million dollars from the Minority Business Development Agency.

The proposed CR would cut $600 million dollars from the Community Oriented Policing Services programs (COPS). Such a cut would require a complete elimination of the hiring programs. Over the years, COPS has funded the hiring of more than 122,000 state and local police officers and sheriffs deputies in communities across America. This proposed cut will prevent the hiring and rehiring of over 3,000 fewer law enforcement officers.

The public safety of our communities is important, and during these tough economic times as we recover from one of our country's worse recessions, every job counts. We can not afford cuts that will cost jobs for hard-working American people.

Another instance where the CR disproportionately effects our low-income, minority population is the cut to WIC funding. The current CR calls for a huge cut, $758 million, to funding for the WIC program, which supplements nutrition for low-income and disadvantaged women and children.

Under the American Recovery and Reinvestment Act (ARRA), we set aside funds to help invigorate the economy across various areas. These funds were intended to be used over a number to encourage the continued growth of the economy. However, under the proposed CR, any unobligated or uncommitted stimulus funding would be eliminated.

Mrs. CHRISTENSEN. I just want to assure you that the Congressional Black Caucus will work with all of our colleagues to craft a budget that's fair and yet reduces the deficit, as we've done every year.

THE BUDGET

The SPEAKER pro tempore (Mr. WOMACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 30 minutes.

Mr. AKIN. Mr. Speaker, it is a treat to be able to join my colleagues here this evening and to consider this great discussion and debate that is taking place over the past months, but particularly during this week as we approach the question about what are we going to do with funding the remainder of this year. There, of course, was no budget decided on last year, and so they do a thing called a continuing resolution. So there's a lot of discussion as to how much can we be affording to spend of the taxpayers' dollar.

And I thought that it might be appropriate this evening to take a look at that, not so much in a lot of minuscule detail, but at the magnitude of the overall question that's before us and how the math just doesn't work. I will also try, as we have a chance to get into a discussion this evening, to connect it to the problem of unemployment, because all of these things are connected, and still I think it's helpful to look from an overall perspective.

So what I have here is one of those—we always have these pie charts. I particularly like pie. And this particular pie chart here shows some different areas of the Federal budget. Now, this is the total of Federal spending here and the pieces of pie are roughly proportional.

What I would like to start with this evening, so we have a big picture of how serious the excessive spending in the Federal Government is, is to start by making a distinction between a couple of types of spending. The first kind of spending—and maybe to some people this sounds like sort of Washington, D.C., talk but they call it mandatory spending or entitlements. And mandatory spending may be not necessarily mandatory, but what that means is that legislators, maybe as much as 50 years ago, passed a series of laws, and those laws then automatically spit out dollar bills out of the Treasury. So anytime somebody who happens to be the right person waves their hand in front of the little machine, out pops a dollar bill.

And so we have these things, and they're called entitlements or mandatory spending. So these are places where the Federal Government just is automatically spending money, and there are some of them that are very familiar with most people: Social Security here, Medicare, and Medicaid. Those are the three big, as they call it, entitlements or mandatory spending.

There are other entitlements that are smaller, and that's in this category over here, the other quote, mandatory spending. So these are not Medicare or Medicaid, Social Security, but they are the other mandatory.

And then there's another thing that acts just about like mandatory spending, and that is the interest on our debt. When the Treasury decides to sell a Treasury bill, the reason people buy a Treasury bill is because it is going to pay some interest to them. So we have to pay the interest on our debt, and in that sense, when we decide to spend money that we don't have, we are creating what is, in essence, like a little machine that spits out dollar bills.

□ 2030

Let's say that you take all of this mandatory spending, or entitlement spending, and add it to the interest on the debt, how much does that add up to? It adds up to about $2.3 trillion for this year. Now what in the world does $2.3 trillion mean? Most of us don't have a good sense of perspective. Well, $2.3 trillion happens to be the revenue that the Federal Government collects this year. In other words, what we're saying is, if you take this purple and this aqua color and this gold color and light and dark blue here, you add this

all together, this is equal to the revenue that comes in for the Federal Government.

What, then, does that leave out? Well, it leaves out these two other pieces of pie. One is defense, and one is non-defense. They're called discretionary because each year we decide how much money you're going to spend in those categories. So what we're saying is—and I think this is really chilling—it sounds maybe a little boring to explain it. But just think about this a little bit: The entitlements and the debt service equals our revenue. That means if we want to balance the budget this year, what we would have to do would be to get rid of all of defense. Not one soldier, not one plane, not one tank, not one ship, nothing. There would be nothing in defense. And nothing in the non-defense discretionary. No Department of Energy, no Department of Commerce, no Department of Education. There would be no Park Service. There would be no prisons. There would be no Homeland Security. There are all kinds of things that the Federal Government does that we fund every year which would be gone. So there would be no defense and no non-defense discretionary. Well, the country wouldn't survive very well under those conditions. So that's the problem. These entitlements have grown so much that they have eaten up the whole budget.

Now this week, we're going to be debating how we're going to cut this non-defense discretionary, cutting a little bit from defense but mostly non-defense discretionary; and we're talking about $100 billion. Is that a lot of money? Sure, it's a lot of money. Is it a lot of money compared to the fact that we're about $1.3 trillion or $1.5 trillion over? Not so much then when you compare $100 billion to about $1.5 trillion.

I am joined tonight by a good friend of mine, a freshman congressman from Arizona, PAUL GOSAR. We had a chance to talk about this a little bit last week, and I invite you to jump in because what I hope that people are starting to understand here is that we have got a big financial problem down here. Our entitlements and debt service is equal to how much revenue we take in, and that's assuming you have zero for defense and zero for this other, non-defense discretionary. I mean, there is no money to run the government with. That is a fairly significant problem. Let's talk about it, my friend.

Mr. GOSAR. Well, you're right. I thank my good friend from Missouri for yielding.

When we start to look at it in the CR, when we're talking about cuts, we can't legislate from the CR. What we have to do is we have to just make the plain cuts. And that is why in the budgetary process, that's the second step in which we're going to have to address the entitlements, looking at how we legislate directing, redirecting, and making cuts. So I think that is an important thing that the American people need to share.

Mr. AKIN. In other words, I think your point is, PAUL, that in our debate this week, first of all, almost all of the discussion is centered right over in this—it looks like Campbell's tomato soup on my chart here—it's in this section, and it's ignoring all of this which is equal to the entire revenue of the Federal Government. So you can see that you could cut this to zero, and you still aren't going to fix the problem. On the other hand, it doesn't mean we shouldn't be looking for savings and cutting everything we can.

But you are putting in perspective this whole week. I think that's tremendously helpful, PAUL, to do that. And I think, as I recall, there is about $16 billion being taken out of defense which is not as deep a cut as what the non-defense discretionary is getting; is that correct?

Mr. GOSAR. That is exactly right. And the savings that we're making here extrapolates over the next 10 years at a great discount to the American people in our budget and what we're going to have to come up with in the future. That's what's so wonderful, at least by the first 5 weeks of this Congress, is zero implications on raising debt.

Mr. AKIN. What you are seeing is a very serious attempt to get into reducing the size of the government. I mean, we are stepping on all kinds of political toes just to say, hey, it may be a nice program, but we're in trouble. I was asked by a reporter—I believe it was earlier today—whether or not the position that I was taking on these cuts and everything was like a Tea Party position. I said, You know, I guess we all reflect, to a degree, our training. I was trained as an engineer; and to me, this is just plain math. It isn't liberal math. It isn't conservative math. It's just flat-out, this is how much money these entitlements are taking, and this is how much money is coming in. The two are equal, and we don't have any money for these things. I don't know if this is politically liberal or conservative or anything else. It's just the reality of the political deficit.

Now the one thing we haven't added here—this is just this year—we haven't added the perspective of time. I think it's helpful if we take a look at what time does to this in several regards. The first is, one of the things that is happening to those little pieces of the pie is, they're growing. This has got Medicare, Medicaid, Social Security. And it shows over time what's going on without the other entitlements and without the debt service. You see that those of us—I hate to admit my age—but some of us baby boomers, as we get older, we are going to be leaning on Social Security, Medicare, and Medicaid more. There are more people there, so that's going to make these numbers go up. What we've seen is that the revenue the Federal Government collects hovers in here at 18 percent. There are times, historically, when we've raised the tax rate tremendously, and yet it seems like it's still 18 percent of GDP. So if this 18 percent is not that flexible, whether you raise or lower taxes, then when you get down to this problem, you say, uh-oh. Because before you could say, our revenue was equal to all of these entitlements. Well, raise taxes. No problem. Yes, there is a problem. Because as you raise it, you won't collect any more money. You crash the economy, and the entitlements are still growing. Over time these entitlements are still growing. So this picture here, as scary as it is, is not as scary as it really is because it doesn't take into effect that the entitlement pieces are growing rapidly.

Here is the other piece from a time point of view. And that is, this red line is the growth of entitlements. This is 1965. And we're going over here to 2010. You notice the entitlements are 2.5 percent in 1965. This is just Medicare, Medicaid, and Social Security. It's up to 9.9 percent. But really, when you add the other entitlements and debt service, you are getting up closer to 18 percent. So what's happened is, the entitlements are going out of control. Even if you assume that the other entitlements are roughly 12 percent or something, you're at 500 percent growth in entitlements. And yet here is defense spending. It's 7.4 percent here. It goes up as high as over 9 percent here and drops all the way down to 4.9. So defense spending is going down; entitlements are going up. And now we get to the point where you could cut defense to zero and still could not compensate with this incredible growth in entitlements.

I want to let you jump in, PAUL, because I think that people now can start to see what it is and why it is a whole lot of Americans—not just Republicans or Democrats—but just plain old Americans are saying, Hey, we have got to pay attention to what's going on because these numbers are very scary.

Mr. GOSAR. Well, everybody knows the analogy of a bank. When you put money in early, and let it build up in a rolling account, compounding interest, you grow to a bigger fund. That's the opposite of what's happening here, reverse compounding interest. We are building up more and more people on the rolls with fewer and fewer people actually helping out to support it. The last part is, is that we have an economy that is lagging way behind. We are still over 9 percent for how many months now? And what we have to do is, in order to create a better economy, that's what's going to help us service these programs and get people involved. So it's a variant equation that we have to work by.

Mr. AKIN. So what you're saying is, one of the things that is affecting this is just the condition of our economy. And I was planning to get into this a little bit with you. When we started, I wanted to talk and work in the problem of unemployment and how do we

deal with the level of unemployment in our economy today.

□ 2040

We've got the government saying it's 9-point-something percent unemployment. And that's an optimistic number, because if you've been unemployed more than a year, they drop your name off the list. You may still be looking for a job. So the real level of unemployment people are saying is well beyond 10 percent.

So one of the ways you can—I guess this may be a backwards way of looking at it. What are the things that are creating that unemployment?

And I went to, believe it or not, to a Main Street in my district, and I got a whole bunch of businesses there and I said, Now, what is it that's causing this unemployment? And I asked all these different people, and I was encouraged because they told me the very same things that my common sense told me and everybody else is saying. Anybody who has run a business knows what makes the unemployment. The first thing is when you start taxing the owners of small businesses heavily, they can't put money back into their business because they're busy paying taxes.

I believe, gentleman, is it true that you were a doctor?

Mr. GOSAR. Yes.

Mr. AKIN. And did you have a clinic of your own?

Mr. GOSAR. Yes, I did.

Mr. AKIN. And so if you got taxed a whole, whole lot, are you going to put money into new equipment and expanding your clinic, or is it going to have to go to pay your taxes?

Mr. GOSAR. Absolutely not, and you're not going to hire somebody when you don't know the economic rules. And we have besieged the American people with a set of rules that have a lot of uncertainty to them.

Mr. AKIN. Now you're getting to the second point. You're already ahead of them.

The first point is, if you want to kill jobs, take the money away from the owners of small businesses. You could say, Hey, that guy's making over 250,000, obviously having too much fun. We're going to tax him into the dirt, make sure he doesn't have a better time than we do.

The only trouble is, if you want jobs, you can't destroy businesses. And that's the connection it seems like this administration, the Democrats, keep missing; and that is, if you keep talking about pounding rich people and those bad corporations, if you pound them into the dirt, there are not going to be any jobs. And that's where we seem to have this disconnect going on.

So first thing is you do not want to tax those people a whole lot because you want them putting the money back into their business. The second point you're making, though, is all these regulations and redtape, it may not be a tax, but it has the same effect, doesn't it?

Did you have to fill out a lot of paperwork in your business?

Mr. GOSAR. With the health profession, we have tons of it, from HIPAA disclosure to anything. When we deal with insurance, the paperwork is endless.

Mr. AKIN. Do you have to hire people to fill that paperwork out all the time?

Mr. GOSAR. We have people that just do insurance filings, just do our mandatory paperwork with the Federal Government.

Mr. AKIN. So, in a way, it's creating a job for people to deal with government redtape, but it doesn't really create any wealth, does it?

Mr. GOSAR. No, and there's not a service to be provided. It's actually servicing the public interest within the Federal Government.

Mr. AKIN. So, in effect, what it's doing to the economy is the government is making you less efficient as a business, and that redtape then adds to your cost of doing business, which then tends to dry up jobs.

Mr. GOSAR. That's exactly right.

Mr. AKIN. Particularly in manufacturing, if you do that too much in manufacturing, it makes it so expensive to make something in this country, the guy who owns the business says, Hey, I've got an idea. I'll take this machine that makes good product and I'll send it to a foreign country where they don't have all that silly redtape and they don't have all those taxes, and I'll make the product over there. And so the jobs just disappear from us because of taxes and redtape.

Now, there's another one that the people on Main Street in St. Charles talked about, too, and that is a little bit less tangible. It's the sense of unknown. It's the sense of fear because the government's doing one dumb thing after the next, and they're afraid to make a decision because of the instability. The economy is down. It's hard to get loans, and they're not sure what we're going to do. For instance, the big health care bill was pending, and so what are you going to do?

Well, because you don't know the environment, you tend not to make a decision, don't take risks because it's a very tumultuous type of time. There's too much of a storm brewing, and you don't want to be out too far from shore when there's a big storm brewing up. And so people hunker down and they don't hire people. And so that's another thing. And we're doing all those things wrong. Even now we're doing those things wrong, and we wonder why we have unemployment.

And, of course, the big one is government spending, and boy, are we doing that. You've got these entitlements that are out of control, and who's going to pay this tab?

And so, you put all of these things together and you have almost a perfect storm on business. And people wonder, Gosh, why do we have over 10 percent unemployment? Well, it's because we're doing all the things to create unemployment.

Please jump in, PAUL.

Mr. GOSAR. The Federal Government has also made winners and losers, and so we don't know in small town USA whether we're one of the winners or the losers.

Mr. AKIN. Oh, you're going to do the bailout drill. We're going to bail this one out but that one you don't get bailed out.

Mr. GOSAR. And then our rule is that something went wrong. When it's bureaucrats asleep at the wheel, what we do is pass more regulations so that the small banks that we have in our communities can't lend. They're the ones who get audited five times in less than a year. What about the same application to the big banks? Where is that equal aspect to the law?

Mr. AKIN. PAUL, I don't believe it. It's just like I'm stepping back in time to that Main Street in St. Charles, because you're bringing up that fifth point that they always talked about. It is sort of an ironic thing, because you've got Bernanke at the Federal level. The Chairman is creating all this liquidity. He's doing QE2, which sounds like a science fiction, and I think it may be science fiction economics. But anyway, he's creating all this money. They used to call it printing money. But he's created a whole lot of money at the top, and yet somehow or other the funnel got pinched off and the money's not coming down to Main Street. And part of the reason it's not is because all of these regulators are all over the banks second-guessing the loan. So if the businessman isn't fearful enough as it is, and if he does actually want to get a loan, he's finding that the banker is being awfully tough.

And I think they're typically 5- or 7-year loans, is that right, gentleman?

Mr. GOSAR. It can be, yes.

Mr. AKIN. Is that what you're talking about, basically the banking regulators, the Federal regulators, are kind of looking over the shoulder of the small banks all the time?

Mr. GOSAR. Well, what it is—I'll give you an example from right in our own district—is that we have a small bank that has 39 percent in liquidity versus loans out.

Mr. AKIN. Thirty-nine percent liquidity; isn't that very, very high?

Mr. GOSAR. Very, very high. It's above the norm of what would be 8 to 10 percent. And yet they gave out two loans in December, but yet have already had three audits in the fiscal year 2010 and have two more scheduled in the first quarter.

Tell me where that aspect is and how that actually works, and especially when we have one bureaucrat disagreeing with another bureaucrat that this audit wasn't supplanted for another audit. That's the disruption and that's the fleecing of America.

Mr. AKIN. Well, now the question is, if the banker is a businessman and he's taking risks and he wants to make a loan and when he makes a loan he gets some interest, and as long as the loan's

good, then he makes money that way as a banker; now, if he wants to do that, why do we have a bureaucrat looking over his shoulder all the time, particularly as long as he's got a sufficient amount of liquidity to cover potential losses? Why is it that the regulators are deciding to regulate every aspect of our free enterprise?

Mr. GOSAR. Well, it's actually the crux and the problem with our economy at this point in time. We actually had a government that disrupted the understanding of the way the risk was looked at. And we said, no, we don't need to follow anything, particularly in the housing industry. We actually saw bureaucrats saying, no, we don't need this application of risk. We can undermine it a little bit worse. And what we got is no skin in the game, no application, no money down, and what we had is a failure along Fannie Mae and Freddie Mac.

Mr. AKIN. You get into this whole thing, and if you looked at what we have talked about tonight, you kind of start tearing your hair out and wanting to go buy some real estate on a desert island somewhere to get away from this huge problem. But there are solutions to this. But you have to realize where the solutions are.

The first thing is you have to realize that we're not going to deal with the economic problems of our country until we can reduce the rate and the number of entitlements we've got. Now, somebody could object and say, Wait just a minute Congressman AKIN, because couldn't you deal with these entitlements if you just got your taxes up higher? If you could get these taxes here that are running 18 percent, if we could double that, why don't we make it a 40 percent tax rate? Oh, that would take care of this, at least for a while. Let the entitlements grow and tax everybody at 40 percent. The problem is it doesn't work. And I think that's something that we ought to warn people about here.

There's something here, this is sometimes now known as the Laffer curve, and what I have shown here is the top marginal income tax rate.

□ 2050

Now, that doesn't mean that in 1960 everybody was paying 90 percent tax. These are the most well-to-do people. But this is what happened to the top tax bracket over time. We started to reduce the taxes on some of the very top income people, bringing them down more into this 30 percent range. Take a look at what happens to the Federal tax receipts.

This is an example of the fact that you can actually reduce taxes and grow the revenue of the Federal Government. The reason that works is just what you were talking about. Because you are a businessman, you understand this stuff. And that is, what is happening is when a small businessman can invest in his own business, he creates jobs. With those jobs, people are paying taxes. That means more revenue for the government. So when you get the economy going, we take in much more revenue.

So the first thing you can do is, actually, by reducing taxes, you can create more revenue, get the economy going, and that will help some. But it's not enough to deal with this entitlement problem.

So really, you have a couple tracks you have to take on. One, you have got to cut the entitlements down. But you also likewise have got to keep working this advantage of getting your taxes in line to create a strong economy.

Here is an example. When I was here in Congress, in the third quarter of 2003, we cut three taxes: Capital gains, dividends, and death tax. We cut all three. And this picture right here, this black line, is when the tax was cut, and this is the GDP. These are the GDPs from 2001 to 2003. And you can see, some of them we actually lost GDP. We got up to 2¾ GDP. And then here, we do the tax cut, and take a look at what happens afterwards. The average GDP is 3.5 versus 1.1. So GDP jumps.

So now we have cut taxes. And you'd think, well, maybe that's good, because now GDP is going. It gets the companies going, gets the pump primed. What else goes on at the same time? We've got this next chart. This is employment. This is before the same tax cut in May of 2003. You see, all these lines going down means loss of jobs. That means we lost jobs overall in the economy. The lines that go up were the months where we gained jobs. Take a look after the tax cut. Look at what happens. You get a whole lot more jobs being created.

So if you have got better GDP, more jobs being created, you know what the final chart is going to show, and that is, quite simply, by cutting taxes we actually grew the Federal revenues. That's a good thing to be able to grow. It was down here at 1.7 trillion, jumped up to 2.5 trillion just by cutting taxes. What we did was, we cut taxes, and we ended up with increase in revenue.

So there's two pieces to this equation. One, what we have got to do is adjust tax policy and create an environment in terms of redtape, in terms of Federal spending, in terms of tax policy, and in terms of allowing liquidity to be flowing through the banks. We have got to create something that's pro-business there.

Why in the world would we be in the mess we're in now and have the highest corporate tax rates in the world? I just can't understand that. What is your take on that? Why would we do that?

Mr. GOSAR. Well, I don't understand that madness, but it's something you have to learn in business. But you have to have the ability to reinvest in America.

If I have got money sitting there, make it worth my while to invest back in America. That's what we can do, and that's where the incentives come in. It also helps us in giving us access to cash, which has been ladened with the banks and strapped with the new regulations that come about.

Plus, we also have to look at the certainty of the environment that we create for business to grow. We're not going to take the load on our backs if we know that there's an uncertainty in the environment, whether it be health care, whether it be taxes, whether it be all of the regulations.

All these things add up. And if you don't get people hired, they are a drain on the system. And America wants to get back to work.

Mr. AKIN. I think you are right. I think in a way the cuts that we are going to be talking about this week, while they are not going to fix the overall problem of the fact that entitlements are out of control, I think that there are some things that they will do. And I think that what they will do is to maybe deal with some of that redtape. Because if you cut some of these agencies that are producing all that load of bureaucracy and redtape and all kinds of extra overhead, as you start to reduce that, it is like taking weight off of a runner; they are going to run faster. The economy will run better. And some of those cuts are probably Draconian in many people's eyes, and probably some of them are counterproductive. But, overall, you know you have got to trim up.

So that is what we're going to be talking about doing. We are going to be kind of working it from both ways. We are going to have to cut the Federal spending, but we're also going to have to create an overall policy in terms of policies, that is redtape, and limit the amount of redtape, and the tax cuts to basically create a pro-business environment. When you do that, the revenue is going to grow, the size of the government is going to shrink, and you will start to see the shift come back to normal and America will start moving forward again.

Mr. GOSAR. Well, it's like a parent. What we have to do is also work with our children, which you can make the analogy of Federal Government versus State government, empowering and giving them the environment for them to succeed.

As a business owner, what we always want to try to do is make sure that we put an employee in the best environment with the right tools and the right education, and then they can succeed. When they succeed, they make me a better business owner and much better at what I do. And that's the same thing that we have done here.

We have had unfunded mandates from education to health care, all the way across. What we have to do is start working with the States in their individual expertise and what makes them special, and allow them the flexibility to succeed as well. But we have got to put them in that right environment. And that goes all the way down from the States to the communities. This is a group effort, and this is a family affair.

Mr. AKIN. Well, that's a great way to end things up tonight. Thanks so much for joining us. I know the people of Arizona are tickled to see that their new Congressman is already earning his keep down here. And goodnight to you, and goodnight to my many colleagues and the people across America.

We're looking forward to a brighter day, but we have some tough decisions to make, and we're getting ready to make those even this week. God bless you all.

AMERICAN PUBLIC BROADCASTING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 30 minutes.

Mr. BLUMENAUER. Mr. Speaker, this is going to be one of the most pivotal weeks in the history of American public broadcasting. As early as tomorrow, we will be voting on a continuing resolution that would call for the elimination of all Federal government support for public broadcasting.

Now, I will admit, this is very personal to me. If this reckless act were to be taken, it would mean that my local award-winning public broadcasting station, Oregon Public Broadcasting, would lose $2.4 million annually, funds that we use to invest serving Oregon and southwest Washington and a little bit of Idaho with programs that keep people informed, inspired, that help educate our youngest citizens. Actually, through the magic of Internet, people enjoy programming online across America because of the quality of Oregon Public Broadcasting.

Now, there's no question, as some of my colleagues were just discussing on the floor, that there is hard budget work ahead of us. I look forward to opportunities to eliminate unnecessary agricultural supports and rebalance those efforts. I look forward to dealing with helping rein in spiraling Medicare costs. Not eliminating health care reform, but accelerating opportunities to reform it and make it more efficient.

I look forward to looking at the largest area of expenditure dealing with the Defense Department and discretionary funding. Without question, there are a number of areas there, the American people know and understand, that can be adjusted.

However, we must do this in a way that is thoughtful and does not disproportionately impact our rural communities, our children, and universal access to high-quality TV and radio programming.

□ 2100

Funding for public broadcasting gives our communities a voice by covering local news and events in a way that weekly papers cannot and commercial radio and TV stations do not provide. Today's media is rarely locally owned. Huge corporations send managers to deal with papers and radio programs. Public broadcasting is the only locally owned and managed media in America.

I am joined this evening by a couple of my colleagues, and I look forward to engaging in this conversation with them. I note I could start with my colleague from Kentucky, Congressman CHANDLER, a champion of public broadcasting, as well as a very fiscally conservative Member of Congress. Welcome this evening. I look forward to your thoughts and observations.

Mr. CHANDLER. Well, it is good to be here with you tonight. It is a tremendous opportunity to talk about something that is also very important to me. But I want to just start out by saying to my colleague from Oregon, Mr. BLUMENAUER, how appreciative I am and I think how appreciative so many people are across this country of your championing of public broadcasting over the years. You have been an incredible champion of that effort, and I just think it is marvelous because of what public broadcasting means to all of us.

As you mentioned earlier, we heard some of our Republican colleagues talking earlier about some of the budget efforts that were going to be made, and I must say we do need to have that discussion here in Washington. There is no question about it. It is a discussion that our President is now engaging in and the Congress is going to be engaging in in the next little bit about what programs we can cut, and there is no question that there are some that need to be cut.

We certainly need to get our fiscal house in order in this country. But zeroing out funding for one of the most successful public-private partnerships responsible for 21,000 good American jobs isn't the thing to do. In these tough economic times, more than ever, we need to support American jobs and invest in our people, and cutting funding for public broadcasting does neither.

Until now, public broadcasting has enjoyed strong bipartisan support. In fact, in my home State of Kentucky—and, by the way, I heard the gentleman from Oregon talk very much about the success that his public broadcasting system has had. I must say, ours in Kentucky has done rather well also, and it is something we are very, very proud of.

But in my home State of Kentucky, a Republican Governor actually provided Kentucky Educational Television, or KET, with its first operating budget in 1968, helping KET hit the airwaves, and it is now being very ably run by the daughter of one of my Republican predecessors in this office, Shae Hopkins. This station has touched countless people throughout the years, and today it is used by more than 1 million Kentuckians each week, in a State of only around 4 million. So that is a pretty significant number. You can see how important it is to our State.

But completely cutting all Corporation for Public Broadcasting funding will make KET cut at least 31 full-time jobs and 20 part-time jobs. These cuts would be on top of the 24 percent workforce reduction that KET has already endured in the past 3 years. KET has said that this loss of staff could hinder their ability dramatically to serve our Commonwealth.

And our public radio, just like public radio all across the country, will certainly be affected. How many people across our great Nation wake up to NPR and ''Morning Edition'' and drive home to ''All Things Considered''? It is a very, very important part of life, I know.

In my home State, we have stations like WEKU in Richmond, Kentucky, and WUKY in Lexington that touch all parts of Kentucky, including very rural parts of our Commonwealth. WEKU radio out of Richmond has been serving Kentucky since the 1930s, and they have already gone down 30 percent recently. And this, of course, again would force more layoffs.

Public broadcasting is uniquely American and should stay that way for future generations. My three children grew up watching Sesame Street just like I did when I was a kid, and countless others receive basic skills and workplace education, and some even receive help with college credit courses through KET. WEKU and WUKY provide local programming and local news that can't be found elsewhere.

So, please, please join me today in support of public broadcasting. These stations are too important, and we just simply cannot let them go away.

Mr. BLUMENAUER. Thank you. I appreciate your eloquence, Congressman CHANDLER, your long-standing support for public broadcasting, helping us have a constructive dialogue here in Congress to make it better.

Mr. CHANDLER. Well, another thing that it does, of course, if I may, it increases the civility of our discourse. In a time when so many stations are sensationalizing the news, there is one place that we can be sure that we can get a civil dialogue and both sides of the story, and that is public broadcasting.

So thank you so much for all you do.

Mr. BLUMENAUER. Before I turn to my good friend from California, Congressman FARR, I just want to follow up on one point that you made, because this is vital infrastructure that connects Americans, particularly in rural and small town America, people who otherwise would not have access.

There is always going to be public broadcasting in New York, Washington, D.C., or San Francisco. But it is rural and small town America that is going to pay the price if we lose the support for this infrastructure. Again, being very parochial, but it is not uncommon for what happens in the Midwest, in Kansas, in Texas. In rural Oregon, it costs 11 times as much to extend the signal to remote Burns, Oregon, in eastern Oregon, than to deal in the metropolitan area. So these 1,300

independently owned and operated public broadcasting stations are going to be severely crippled in terms of their ability to meet the needs of rural and small town America.

I am going to speak in a few moments about some of the unique programming, but the point is that the signal itself depends on the type of subsidy we are talking about here.

Now, if I may turn to my colleague who has been a supporter of public broadcasting back in the day when he was a local official in dealing in the California Legislature, Congressman SAM FARR.

Mr. FARR. Thank you very much. Thank you for inviting me. This is a very important discussion. I wish we could do it really in an open debate where we could have a debate on this, because I don't think that there is a person in this country that doesn't realize how necessary it is to keep our electorate well informed.

So I join the chorus of well-informed listeners tonight to support America's Corporation for Public Broadcasting. I find it ironic that the news got released today, the day when you think of a national day of communication, a day when we tell our loved ones how much we appreciate them through words and symbols. And here we are attacking the very essence of America's foundation for information that is not commercial information, that is not paid for to get it and have to have ratings in order to get people to purchase the commercials.

It is a sad day that Valentine's Day is used to destroy something we love so much. It is mean news to hear some of my Republican colleagues who want to cut almost half a billion dollars out of the Corporation for Public Broadcasting at a time when the world has been dedicated to watching what is going on in the Middle East, in Egypt, which is essentially the essence of communication, the essence of technology, but also the freedom of technology.

In America, we don't own stations, like BBC and Canadian Broadcasting where the government owns the stations. We allow nonprofit entities to do the broadcasting, both on radio and television, as you indicated, Mr. CHANDLER. And I don't think you can raise children in this country without appreciating the value of what is learned, the lessons learned by programs such as Sesame Street and others.

□ 2110

But to think that you can just cut this out as a value to a greater debate of balancing the Federal Government by eliminating this, is nuts. This is what I always call the persons who know the price of everything but the absolute value of nothing. Because cutting this, you can come up with a pricetag, but the value you lose to the American public.

I wake up, here we are in Congress, and obviously we need all the news we can get. I don't know a Member of Congress who doesn't wake up listening to NPR radio, of all the choices we have, on both sides of the aisle, to get unbiased news in the morning before we come to work. And I know it because when you're on it, people comment the minute you get here. They hear you on NPR, everybody says, I heard you this morning when I was getting ready to come to work. This is not just done by Members of Congress. It's done by everybody in the United States.

And what Congressman BLUMENAUER talked about is the rural parts of America would never have this program; never have access to this information. If you want to destroy rural America, then destroy their access to information. Because then the only thing the young population will do is have to move out in order to keep up. So we have to make sure that these nonsensical cuts, which have dramatic and negative impacts, are not made to this budget. Let's sustain the budget to keep Americans well-informed and ensure future generations of the richness of public broadcasting. Let's give back our hearts and minds to the American public by maintaining PBS.

Mr. BLUMENAUER. Thank you for your eloquent statement, your support. And your being with us here this evening is very important. I think your point about how we start the day—how many of us were relying on public broadcasting for up-to-the-minute results of what was going on in Egypt at a time when the large corporate news organizations are cutting back their foreign coverage. Because of the dedication of hundreds of thousands of sponsors, volunteer contributors, public broadcasting has expanded its international coverage extraordinarily so.

But before I turn to my good friend from New York, I would just make one reference, however. Although the international is certainly critical, and it's very important for us here in Congress, one of the things that I think is so essential to zero in on is the local programing for rural and small-town America. Lakeland Public Broadcasting in Bemidji, Minnesota, the only broadcaster—the only broadcaster—for much of their service territory. In Colorado, KBNF is increasingly the point source of news and public affairs programing, emergency preparedness alert, as the print media continues to shrink and corporations kind of move in and automate small radio markets.

I could go on through the list. I won't because I do want to provide time. But there is special coverage in the upper Midwest, in the Northwest, in the Mountain States that is tailored to hard-to-serve areas that no commercial station is willing to invest in this type of quality. And to turn our backs on it is one of the most reckless things that can be done. And, frankly, it's a terrible optic for my Republican friends in their first weeks in power, to turn their backs on 170 million Americans who enjoy and rely on it every month. In fact, if you look at the survey research about what people want to protect, they want to protect our strength in defense. Number two is public broadcasting. Yet this is on the chopping block.

With that, may I turn to my good friend from Upstate New York (Mr. OWENS).

Mr. OWENS. Thank you very much. I appreciate your leadership on this.

When you talk about rural, I represent rural. Fourteen thousand square miles make up my district, a thousand miles around the perimeter. I live in a very rural place, and public broadcasting is extraordinarily important to each and every one of my constituents.

I have to do a bit of a disclaimer first. My wife works for our local television station. She's the education director. I volunteered at the station for 3½ years, and I was the host of a television program. And I was also the lawyer for that station for about 25 years. So this is a real family affair for me.

I'm most disturbed because I see what's going on in this situation is really a slash-and-burn tactic that is primarily focused on public broadcasting. It is an attempt to take the continuing resolution and make it into a piece of ideology. That's not what our constituents are asking of us. They want us to make an economic decision and do an economic analysis of where we are and where we're going.

I think it's extraordinarily important that we focus on the economics of the debt and the deficit and not on ideology; we have an opportunity to act rationally and in a bipartisan fashion, as we did in the last lame duck session of Congress. Our friends and neighbors at home demand no less. I can agree to cut $100 billion dollars, which is actually about 3 percent of this year's budget, if we do it by sharing the pain.

Let me tell you a little bit about public broadcasting. My children grew up with it. It is part of the education that my family experienced. My grandchildren are growing up with it. This is the best in family values and quality programing that you're going to see. If our colleagues on the other side of the aisle are concerned about the development of morals, integrity, and education, then public broadcasting is a place they should support, not kill.

Just a few thoughts. My public television station provides essential services to that upstate rural community I talked about. It's aligned with their mission to inform, educate, involve, and entertain. Public broadcasting is America's largest classroom, closing the achievement gap through innovative standards-based educational content and resources for parent, teachers, and students. Public broadcasting serves as a trusted partner and agent of better citizenship in the world's greatest democracy.

Public broadcasting is not a luxury we can't afford but an essential service regularly depended on and enjoyed by 170 million Americans in all 50 States.

Let me repeat that; 170 million Americans support public broadcasting. Cutting or eliminating Federal funding for public broadcasting will have a severe negative impact on local services and economies in all 50 States.

Let me point out that public broadcasting directly supports 21,000 jobs, and almost all of them are in local public radio stations in hundreds of communities in America. Science-focused programing at all age levels, from Sid the Science Kid to NOVA, supports the acquisition of 21st century problem-solving science skills.

I could go on. It's clear that public broadcasting brings a dimension to education that we see in no other modality available to us. I agree that reducing spending is a priority, but it must be achieved without resorting to ideological slash-and-burn tactics that will not allow us to facilitate a compromise with the Senate and White House, which brings real reduction in spending based upon the shared pain, which we all understand is needed. Thank you very much.

Mr. BLUMENAUER. Thank you. As only a dedicated volunteer of public broadcasting could come forward with that eloquence and the personal story, I deeply appreciate it.

A couple of facts I think that ought to be on the table. We are talking about less than a half-cent per day per American. We are dealing with organizations that have amazing volunteer support in each and every one of our communities. And they take that half cent a day and they leverage it. Each dollar of Federal funding can leverage $5, $6, $7 of local programming and benefit.

□ 2120

You said something, Congressman OWENS, that I thought was very important when you talked about the programming. In fact, each of you mentioned it. This is the only medium that is geared as programming for our children in order to educate and enrich them, not to sell them something. It's the only area that they have access to.

Mr. FARR. If the gentleman will yield, I think what is also very important is this is one government program where there is no free lunch. It requires a local match. It requires a contribution by the community, by volunteers. It's not a paid-for program without raising the money in the local media, as you know in your own station and had to do every year in the volunteer drive. When you think about it, you don't go out and match public volunteerism to buy military equipment. You don't match with public volunteerism practically any other thing in American society. This is one budget that really depends on the popularity of the programming in order to get volunteer support, volunteer contributions, and volunteer help in the studios.

Why would you cut out something that the private sector and personal commitment think is so important?

Mr. CHANDLER. Boy, does our community volunteer. In all of our communities, I know we see an enormous number of volunteers.

I appreciate what you just said, Mr. FARR from California and Mr. OWENS from New York. Thank you all for your strong support over the years with this and for pointing out the importance of education. I mean, as we all have said, this is the only public entity that educates us on television and radio on a regular basis, and that is an incredibly important thing.

The other thing that is so important about it is it truly broadens our horizons. It doesn't narrow us like so much of what we see on the television. It, rather, broadens our way of thinking. In what other place can you get that on a regular basis in our culture? This is a special American institution.

Mr. FARR. I would even say it defines our civilization. When you think of programs like StoryCorps, collecting that information for the records and keeping that part of our oral history of America, it is absolutely essential that our culture and our times and that our moment in history and in the world be maintained in the public sector where there isn't private ownership of it.

Mr. CHANDLER. It has always had such bipartisan support.

Mr. BLUMENAUER. Yes. This is the first time there has been a bipartisan effort, apparently. We've had efforts before. When our Republican friends took over, there were assaults on public broadcasting, but there was ultimately strong bipartisan support that beat it back. At home, these 170 million Americans, they aren't just Democrats or Republicans or Independents. It is a broad spectrum of Americans which relies on information that isn't pre-filtered for them. There are opposing views. We've all heard things on public broadcasting that we don't know we agree with or we've heard things that we never would have listened to in other venues.

I don't want us to close without turning back to our counsel and our volunteer and our spouse of a public broadcasting member.

Mr. OWENS. In my conversations that I've had the opportunity to have over the last couple of days, clearly, public broadcasting understands that they are going to have to share the pain with everyone else. It's one thing to cut somebody's budget by 3 or 4 percent. It's another thing to eliminate somebody's budget. No one survives when somebody's budget is eliminated. People survive and prosper when they have to make up 3 or 4 percent. That's what I'm urging our colleagues on the other side of the aisle to really think about it.

Mr. BLUMENAUER. Thank you. I appreciate that.

Any other final words?

Mr. FARR. Thank you for your leadership. It is absolutely essential to America's well-being.

Mr. BLUMENAUER. We look forward to continuing this conversation on the floor of the House.

There has been an exciting outpouring of support around the country as people have been invited to look at the facts and to share their opinions. I know that this is making a difference because every Member of Congress is hearing from the men and women they represent about the value of public broadcasting, and if what they are hearing is anything like what is coming into my office, it is overwhelmingly in the support of this vital program and in urging us to do the right thing.

I deeply appreciate my colleagues for joining me this evening. I look forward to continuing to spotlight this and to working to make sure that, rather than eliminate public broadcasting, we work to strengthen it so that everyone in America can benefit.

Thank you very much.

Ms. ESHOO. Mr. Speaker, I come to the floor this evening to protest the elimination of funding to the Corporation for Public Broadcasting (CPB).

The Republicans are proposing to eliminate CPB's federal funding going forward. Without these funds, local stations would have to reduce or eliminate such valuable public programming as Sesame Street, the NewsHour and NOVA.

Every month, more than 170 million Americans experience the benefits of public broadcasting through 368 public television stations and 934 public radio stations, several of which are located in the Bay Area.

One example is San Francisco's KQED, which attracts more than 841,000 television viewers each week. Employing 275 full-time staff members and providing locally produced news programming, KQED has an important economic and cultural impact on the Bay Area community.

From theater and ballet to music, thoughtful public discourse, science an children's programming, the programming found on public broadcasting has set a world standard.

Public broadcasting is the best definition of educational television—it enriches our sense of the world and educates us.

Over the years, the commercial market strikes another image—reality TV; talking heads shouting past each other; and inane programming. If this is what some viewers want—fine—shouldn't we retain both?

We've done much work together to promote and preserve CPB against those who want to cut it out of the modern world of broadcast technology These are tough economic times, but what feeds the soul and informs our national intellect should be considered an important national resource.

I urge my colleagues to come together on both sides of the aisle and restore funding to the Corporation for Public Broadcasting.

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

THE BUDGET AND WHERE WE GO FROM HERE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. I thank the Speaker and welcome all of you to the discussion tonight.

As everyone is talking about right now, we are preparing to have a discussion this week on the budget and where we go from here. The continuing resolution is last year's spending. It was not passed for the full year, so we are now in the process of considering how to fund the government and at what levels through the rest of the year. So I appreciate the opportunity to consider why we are doing what we are doing.

You would have to ask yourself exactly what the basis is of all of the discussions that we are having on the floor of the House. I'd like to make things as simple as possible to understand, so I will begin the discussion by simply writing the big picture onto the white board to my left.

The big picture is simply 3.5 and 2.2. Now, 3.5 T is the amount that we spend every year. 2.2 T is the revenue that the government brings in.

If you were to go ahead and then do the math on that, you would see that we have an outflow of 1.3 greater than the inflow. Actually, those numbers have been revised. I'm not sure if it's because the inflow has dropped down or if we are spending more, but the revised figures show us that we have a deficit of 1.5 T, $1.5 trillion, in this current year. So we will put that number up on the board in order to continue to just get the big picture on where we are.

This 1.5 T, $1.5 trillion, deficit that we have I consider to be in a pipeline. It's a deficit this year, but at the point at which we spend the money and we've not taken in money to offset it, then it becomes debt. I look at it like it's a pipeline running into a barrel. We'll just make a graphic here. We've got the deficit pipeline full of $1.5 trillion each year because we are spending more than we bring in.

The barrel at the end of the pipeline I just call the debt barrel. It's, again, fairly transparent. As the deficit rolls into that barrel, it becomes debt, which is accumulated and passed on to the next generation. In rounding the figures off, we see a debt right now of about $15 trillion. We will put that label on our barrel.

Basically, you have the picture of the budget right here in front of you. We are spending $3.5 trillion. We are bringing in approximately $2.2 trillion. One of those numbers is a little bit incorrect, so you'd say, well, it's a $1.3 trillion deficit. Instead, that has been revised, and that deficit then is flowing into the debt barrel of $15 trillion. So, at the end of next year, if we continue to spend and the proposals in front of us now are still running a deficit of at least 1.5, you can calculate that we will have a debt accumulated of $16.5 trillion.

□ 2130

Now, everyone likes to make this complex and it's not that complex. It's very similar to the problems that maybe you or I had when we were growing up, but we began to use more, to spend more than what we brought in. Now, if that's the case, then we go about it by doing one of two things: We either shrink the size of outflows, we cut the spending; or we get a second job or we get training in order that we would get a promotion and we then drive up our revenues.

So the discussion this week that we're having, the continuing resolution is focused mainly on what do we do about the outflows. The revenues to the government, that requires more people go to work, and so this problem of the 2.2 is being accentuated by the 9½ percent unemployment. So when our citizens are antsy, they're concerned, they're alarmed that the jobs are just not happening, it is not only in their lives that it's a significant problem; it's in the lives of our government. Each one of our States is also, with one or two exceptions, going through this exact same problem. They're spending more than what they're bringing in in tax revenues.

Now, a government has one of three different choices that they can make. They can cut spending, they can increase taxes, or they can grow the economy. And growing the economy is when you add more jobs. Each person and their job will pay taxes, and that incrementally increases the number on the bottom so that we eventually get them to balance.

But then a government can also do one more thing, and that is to print money, and that's the quantitative easing that Mr. Bernanke has triggered off. So the printing of money then has its own downside. We won't talk much about that tonight. Although, it is probably the most significant thing in our business climate that we face, an unstable dollar; that is, one where we are printing more dollars and the value begins to erode.

So people in their homes tonight would be watching the price of vegetables go up. The price of gold has gone up, the price of silver. Those don't have any more intrinsic value. In other words, a vegetable a year ago in our life would be consumed and would have about the same value. The price of gold hasn't got any new manufacturing techniques that would be pulling great supplies off the market, driving a price up through supply and demand. The same thing with silver.

And, in fact, those prices are escalating dramatically right now because we have so many dollars because we're printing money. And, by the way, we printed last year about $2.6 trillion, more or less. So we have quantitatively eased. We have printed enough money that we're now seeing the prices go up in our society.

Now, the inflation is in contrast to what the government reports say, because the Federal Reserve would tell you, quite frankly, that they see no signs of inflation; it's just that they don't consider the food and the energy that we would have facing us.

So, again, returning to our main board here, then we have a significant chart that is available from both CBO—that's congressional—and from the OMB—that's White House. And so we've got a significant chart, and the chart basically looks like this, and the chart simply comes up and then stops. Now, this axis would be the years, so that these would be prior years, and now then future years extending out ahead of us. On this level, we have the dollars, and this represents our gross income, our per capita income.

As you can see, throughout our history the income has been rising, rising, so that you have made more in your lives than your parents made, and your parents made more than their parents, all the way back to our founding. But you also see right in this point, which is occurring right about this period of time, is that the curve begins to flatten out and start down.

So when I ask in our town halls—and we frequently ask the question, ''Are you living better than your parents did?'' and almost unanimously the answer is ''Yes.'' But when I ask the second question, ''Are your children going to have better lives, better incomes than you have had?'' and almost 100 percent of the people say, ''No.'' Well, that's actually playing out in the chart right at this peak point here, and we're experiencing that as we speak.

Now, then the unsettling piece of this chart is that it's discontinuous; it stops. The thing about charts is they continue on through history. So we start at the Founding Fathers here and we come up, we come up, we're topping out, but then the chart stops. That is 2032 maybe, 2034, something out in that range, and the economy simply stops. The economy stops because of this and because of that.

You could see with our $15 trillion worth of debt that we could take every dollar that's coming into the U.S. Government right now, and it would take us 6, 7 years to pay it off. That's if we did not spend any money and did not have any more deficits. As you can see from this year and next year, we're going to have significant deficits, and so we could not, in fact, pay that off in 7 to 10 years. In fact, it is ongoing.

The last thing that we need to get to have the big picture in front of us is that I view that barrel of debt and then I view that it is sitting on top of an aquifer of debt underneath it. So I will

simply draw that on the board at this point.

Now we have the aquifer of debt, and many people are saying that it's about $202 trillion. We could pay for almost 100 years and not pay the accumulated obligations for Medicare, Medicaid, and Social Security, and it's that piece which begins to make our economy falter and fail within the coming generation.

We saw this happen in the Soviet Union. And so as we consider could it happen here, well, yes, it could anywhere, and the U.S. is no exception to anything. The rules of economics say that everything that you spend, you have to pay for, and if you don't pay for it, there is loss at some point, and we have been living in the government an economic lie. We have been fooling ourselves, saying that we can continue this process, and now we have reached a point where it would be catastrophic within the lives of many of the people who are here in the U.S. today.

So what do we do? Do we cut the 3.5? Or do we grow the 2.2? Now, this week we're going to have many, many amendments, and looking at it from this lens, I heard my friends discussing public broadcasting, and I agree with them. There are many things about public broadcasting that I like and the programming, but the question is: Should it be a government function and should we be spending money for it when it's going to put your children and grandchildren into deeper debt? Should we be risking the failure of our economy? And again, this is not STEVE PEARCE. This is CBO and OMB. You can go to either Web site and take a look and find the chart of per capita incomes and just look at it. It's there.

So, if we are risking that, looked at through that lens, then we can ask ourselves should the Corporation for Public Broadcasting be funded, and that answer will be given sometime this week on the floor because there will be an amendment. There will be something in the bill that says that we will do just that. These are the hard choices that we need to make now.

Let's consider one other thing. The President today submitted his budget to us and he recommended that we have $1 trillion over 10 years, maybe $1.1 trillion. How does $1 trillion—it sounds like a big budget cut. Oh, we're really going to cut the budget a lot, $1 trillion. Keep in mind, that's for a 10-year period, and so simply divide $1 trillion by 10 and you get about $100 billion. If we cut $100 billion out of this budget, we change this number from 3.5 to 3.4. That's what $100 billion means.

And when the Republicans are accused that we're going to slash budgets and we're going to really create turmoil in the budgetary process, Republicans are saying basically that we're going to cut $100 billion, also, from 3.5 to 3.4.

Now, you can do the math fairly easily. If you cut $100 billion, the deficit is going to lower from 1.5 to 1.4. Now, that's not going to significantly affect our debt barrel, nor the debt aquifer that we face. Both are looming problems that simply OMB and CBO tell us break the system.

□ 2140

Now I do not believe that our system is going to break because I think the American people are going to insist that we begin to do forensic audits of our government to find the efficiencies, to find the better ways of doing things. A forensic audit would, for instance, ask, Are the duplications in the budget? Do we have multiple offices doing the same thing? And the answer is, absolutely we have offices doing the same thing; that, in fact, sometimes we have 70 and 80 offices. We are paying an overhead in every single office. I think that what we're going to have to do is to find those duplications, and we simply roll them into one office to where we're not multiplying the number of government salaries. Because every government salary creates, in its lifetime, about $4 million toward this. You simply multiple the number of government workers by about $4 million in its life. It's actually a little bit more. But that is their benefits, their pay, and everything associated with them.

But I tell my friends, as Republicans, Yes, I'm wholeheartedly in favor of cutting the 3.5. That we must do. And I believe that we should have the forensic audit of our government in order to wring out the inefficiencies. The fraud alone in Medicare is almost 0.1 percent in this equation. The fraud in Medicaid is 0.06 percent. So you can see that they are significant numbers.

But none of the cost-cutting that we're doing is actually going to balance the equation. If we intend for our Republic to survive, we must begin to grow our economy. We must increase the number of jobs. That creates a population that is more content with their welfare, with their prosperity, with their ability to pay their bills every month, but it also begins to cure our budget problems.

Now if we're going to talk about creating jobs, we have to understand the greatest threat to job creation. The greatest threat to job creation is uncertainty. If you, as an individual without owning a company, are uncertain about what you're going to make in the stock market. If you see different stocks, and you're afraid that the stocks are not going to make you money, then you pull your money out of the stock market because of the uncertainty. Right now we have a lot of the money that came out in the last 2 years flowing back into the stock market, driving the prices back up. We're seeing that companies are actually posting profits higher than what they intended and higher in the past years. So there's a mood of certainty among those people who are investing stocks, and money is coming back to the stock market. The uncertainty drove it out.

Well, the same thing happens in businesses. If a business owner is certain that he's going to make new investments—right now if you have cash in the bank, it's less than 1 percent. You probably get one-quarter of 1 percent each year for cash. The best thing to do with cash is to invest it in creating jobs. And President Obama, about 3 or 4 months ago, really hit the business community, and he reminded them here a week or so ago when he spoke to the U.S. Chamber, You have a moral obligation to invest and create jobs. Well, the government has the moral obligation to give certainty through taxes and regulation.

And that's the great rub here. We have regulated and taxed many of our corporations offshore. I know we have discussions every day about those companies that are taking tax breaks, and they're evil, and taking the jobs somewhere else. The truth is, President Obama mentioned it in his State of the Union, that we have the highest corporate tax rate in the world—one of the two, and I think that Japan just recently lowered theirs, leaving us there. So we are taxing our companies into uncompetitiveness. They're not competitive because of that piece of their cost structure. Ireland addressed this 15 or 20 years ago. They lowered their corporate tax rate from 36 percent, which ours is, to 12 percent, and companies began to flock into Ireland. In the succeeding years, Ireland began to raise its corporate tax rates so now companies are flocking out of Ireland. It's that simple. Higher taxes kill jobs. Lower taxes create jobs. I'm not saying we should not have taxes, but I do say that tax policy, increasing taxes, that kind of tax policy, will create stagnation and no job growth.

But the second thing that causes that is regulation. Companies do not want to put money into investments where they don't think they're going to get a return. They cannot get a return sometimes because they're simply regulated out of business. For instance, consider the farmers in the San Joaquin Valley. Those were businesses. Those businesses were making money. They were paying the banks. They were buying land, and they're employing people. They're buying fertilizer.

But the silvery minnow, a 2-inch minnow that we would all want to keep alive, got all of the water in the San Joaquin River. A judge declared that we are going to regulate the water away from people and to the minnow. So 27,000 farmers in the San Joaquin Valley lost their jobs. Now, then, those people are not making the payments on their land. They're not able to feed their families. So instead of being productive members of society, they have now scooted to the top end of the equation, which is the second poisonous thing we deal with in this, is that when we kill jobs through taxation and regulation policies, we actually transfer more cost to the top of the equation. And that's the reason we're in such imbalance. A 9.5 percent rate of unemployment means that we are going to

have more people on welfare, food stamps, more people on assistance.

I think we have a moral obligation to begin to fix the job situation in the country, and we do that by finding the balance point in regulations. I do not want to see the minnow go extinct, but neither do I want to see our jobs go extinct. We have killed industries in this country in the name of regulation. The spotted owl was simply a regulation that was put into effect in our national forest. And in New Mexico alone, we lost 20,000 jobs because of the spotted owl regulation. I don't think we should stand by and watch the spotted owl become extinct, but neither do I think that we should have given up those jobs, and those jobs have gone to Canada. Now I love the Canadians, but I would rather have the jobs here and be using U.S. timber.

In the meantime, when we stopped cutting timber, then we started seeing massive forest fires because of the buildup of fuel in our forests. An additional problem has been found in the West where the trees use up all the water. They transpire it. Formerly what was happening was that New Mexico, with its arid climate, had fewer trees per acre—maybe 50, maybe 100. Now we have got 2,500. The trees were crowding the grass out. The grass is on the slopes. The water can't run through grass as easily as it can across the bare ground. So now with no grass, the water is rushing into the streams down at the bottom of the mountain. It used to be that the grass slowed it down, and it had a chance to percolate in and recharge the aquifers. So we are finding many of our mountain communities now starved for water. So not only have we lost the jobs, not only have we put people on welfare and driven up the cost of government, we are also creating resource shortages throughout the West, and we absolutely must begin to deal with all of this.

If we are to look again at another industry that we have simply dismantled or are in the process of dismantling, I would look offshore in Louisiana. My wife and I made a career in repairing oil wells, and so we understand the processes that happened offshore. We understand the decisions that were made. I think BP should be accountable, and they're being held accountable. They are actually paying the bills on the cleanup, and that's set in law and is actually happening right now. But I do not think that we should have taken 100,000 jobs. Those are jobs offshore that were making well into the six figures. High taxes were being paid to the government because people were making good money. It's dangerous work. It's hard work, many hours. And yet we took probably 100,000 jobs from the Louisiana/Texas economy, and we have moved it now to a cost for the government. If we would begin to create the jobs again, if we would go back and rebuild the industries, the greatest solution for our budget crisis is that. Grow the number on the bottom, and as we create jobs, we pool costs from the top end of the equation.

My friends, I don't believe that it is among our choices to not get our fiscal house in order. If we raise taxes in order to increase this, which many people suggest, we are going to kill jobs, and we get a wash—maybe no increase, maybe even a decrease. If we will set about curing the imbalance in our tax rate for our U.S. corporations, I think then that job growth would become explosive if we would also find the pendulum, bring the pendulum to the middle of the equation where we can protect species, protect the environment, protect the workers, and at the same time, create jobs.

□ 2150

I think Americans are hungry for us to begin to solve the problems in that fashion, rather than the partisan divide that says, no, we can't create jobs, and those jobs shouldn't be here. I think that Americans are going to insist that we do what it takes to bring back the manufacturing jobs, those good career jobs, not just a job, but a career. That's what people are hungry for. They would like to be able to plan their life, to plan for retirement, to plan for college for their kids, to pay off a house, to build a nest egg. That's what Americans are hungry for, and it is not possible in the environment that we have right now.

When we kill job growth, we kill opportunity. When we kill job growth, we kill prosperity. And I think Americans are hungry for the prosperity. They're hungry for a forensic audit of our government that begins to say, why does it take $3.5 trillion to run the government?

Every person sees things every day that our government does that don't make sense, that cost too much and, in the end, kill our jobs and drive them overseas.

Now, people would ask, well, that's not possible and it's going to take too long. First of all, is it possible? Yes, if we establish 3.5 percent rate of growth, then these numbers begin to balance up, and we begin to cure the budget shortfalls, both for every State and for the entire Nation. A 3.5 percent rate of growth, then you would ask, is that possible? As a country, we have averaged a 3.5 percent rate of growth over the last 75 years. It is extremely possible. So let us take on the hard tasks of finding the savings in the budget, increasing our job growth, and we're going to find the solutions to the economic woes that threaten our entire society, that threaten our entire economy.

We have many people who question, can we cut the government? Can we cut the size of government right now with unemployment? It's going to drive unemployment too high; that we should not be laying off a single Federal worker.

New Zealand came upon that question a decade or two ago. New Zealand began to ask themselves the same question. Why is our economy sluggish? New Zealand was in the bottom third of the world's economies. They said, we're a developed country. We have smart people. We have hardworking people. Why aren't we in the top third?

New Zealand's conclusion is that they had too many non-government functions inside the government. And so they took one agency and set about to cut the nonessential government jobs, just to cut them, without regard to what it's going to do to unemployment or any other question.

In the Department of Labor, that's the one that took it on, and I have visited with the guy who actually did this. They cut from approximately 63,000 employees down to one employee. He actually said, I could have cut myself, but I had to go home that night and face my wife.

And, by the way, I should wish my wife Happy Valentines Day. She is in New Mexico and I'm here. And also my mom, two special, special women in my life.

But he said he could not go home and face his wife if he had cut his own job. So, from 63,000 down to one.

Now, to people who worry can we cut jobs from the government without it affecting the unemployment, what happened in New Zealand would happen here. They jumped from the bottom third of the world's economies to the top third. That's because the people that they laid off from government went outside, those functions transitioned outside the government and they began to be done at higher pay, with more efficiency and with more purpose. And so actually, the tremendous increase in their relative position worldwide jumped from the bottom third to the top third, was the offshoot. And I think that we would see the same thing happen in our economy.

Now, again, to whether we should have taxes, increase taxes or decrease taxes, does it work, does it not work. Back in 2003, we gave the tax cuts under President Bush, and I was here at that point and voted for those tax cuts. When we cut the taxes, the growth rate was not 3½ percent. It was actually about 1¼ percent rate of growth. Within 30 days, the economy began to boom up so that it finally got to 8¾ rate of growth—from 1¼ to 8¾. Now, there was pent up demand and so people were buying new equipment and buying things in kind of a surge, so that 8¾ finally moderated down to 5¾, then down to 4, and 4¼ and finally down to 3¾, which again is all we need to fix the situation. It is not that complex. The picture is not that complex. People try to make it so here in Washington because they love to spend your money. But the truth is the consequences are now on us. The truth is that we are facing catastrophic economic failures and inflation if we do not begin to pay attention to the fundamentals that are in play in front of us.

So as we approach this week, the idea that we can only cut $100 billion is one that we should all question. We know there are greater inefficiencies. I'm going to propose a series of amendments that would cut even more; cut functions that I think could be delayed. We're going to suggest that the government maybe shouldn't be building a lot of projects, a lot of buildings right now. Surely we can take a moratorium on that for a year or maybe two. In the interest of future generations, don't we think that that's a sacrifice that we should make? So these are the issues that face us this week.

Mr. Speaker, I would conclude by saying that I think that it's achievable. The solutions are right at hand. We just have to have the will to create jobs and cut the size of the budget.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–13) on the resolution (H. Res. 92) providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. BURTON of Indiana (at the request of Mr. CANTOR) for today on account of a family emergency.

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

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today on account of the birth of a grandson.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 112TH CONGRESS

FEBRUARY 11, 2011.

Hon. KAREN L. HAAS,
Clerk of the House, House of Representatives, Washington, DC.

DEAR MS. HAAS: Pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the Rules of the Committee on Education and the Workforce for the 112th Congress, as adopted by the Committee in open session on January 25, 2011.

Please contact my Chief Clerk, Linda Stevens, if you have any questions.

Sincerely,

JOHN KLINE,
Chairman.

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) Regular meetings of the Committee shall be held on the second Wednesday of each month at 10:00 a.m., while the House is in session. When the Chair determines that the Committee will not consider any bill or resolution before the Committee and that there is no other business to be transacted at a regular meeting, he or she will give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, written notice to that effect, and no regular Committee meeting shall be held on that day.

(b) The Chair may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business.

(c) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chair, those members may file in the offices of the Committee their written request to the Chair for that special meeting. Immediately upon the filing of the request, the staff director of the Committee shall notify the Chair of the filing of the request. If, within three calendar days after the filing of the request, the Chair does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. Immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered. The Committee shall meet on that date and hour and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Legislative meetings of the Committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage, unless such meetings are closed pursuant to the requirements of the Rules of the House of Representatives. No business meeting of the Committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice.

(e) The Chair of the Committee or of a subcommittee, as appropriate, shall preside at meetings or hearings. In the absence of the Chair of the Committee or of a subcommittee, members shall preside as provided in clause 2(d) of Rule XI of the Rules of the House of Representatives. No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or subcommittee unless authorized by the Chair.

RULE 2. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be four standing subcommittees. In addition to conducting oversight in the area of their respective jurisdictions as required in clause 2 of Rule X of the Rules of the House of Representatives, each subcommittee shall have the following jurisdiction:

Subcommittee on Early Childhood, Elementary, and Secondary Education.—Education from early learning through the high school level including, but not limited to, elementary and secondary education, special education, homeless education, and migrant education; overseas dependent schools; career and technical education; school safety and alcohol and drug abuse prevention; school lunch and child nutrition programs; educational research and improvement including the Institute of Education Sciences; environmental education; pre-service and in-service teacher professional development including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; early care and education programs including the Head Start Act and the Child Care and Development Block Grant Act; adolescent development and training programs including, but not limited to, those providing for the care and treatment of certain at-risk youth including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; and all matters dealing with child abuse and domestic violence including the Child Abuse Prevention and Treatment Act and child adoption.

Subcommittee on Higher Education and Workforce Training.—Education and training beyond the high school level including, but not limited to, higher education generally, postsecondary student assistance and employment services, and the Higher Education Act; Title IX of the Education Amendments of 1972; all domestic volunteer programs; all programs related to the arts and humanities, museum and library services, and arts and artifacts indemnity; postsecondary career and technical education, apprenticeship programs, and job training including the Workforce Investment Act, vocational rehabilitation, and training programs from immigration funding; science and technology programs; adult basic education (family literacy); all welfare reform programs including work incentive programs and welfare-to-work requirements; poverty programs including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); the Native American Programs Act; the Institute of Peace; and all matters dealing with programs and services for the elderly including nutrition programs and the Older Americans Act.

Subcommittee on Workforce Protections.—Wages and hours of workers including, but not limited to, the Davis-Bacon Act, the Walsh-Healey Act, the Service Contract Act, and the Fair Labor Standards Act; workers' compensation including the Federal Employees' Compensation Act, the Longshore and Harbor Workers' Compensation Act, and the Black Lung Benefits Act; the Migrant and Seasonal Agricultural Worker Protection Act; the Family and Medical Leave Act; the Worker Adjustment and Retraining Notification Act; the Employee Polygraph Protection Act of 1988; trade and immigration issues as they impact employers and workers; and workers' safety and health including, but not limited to, occupational safety and health, mine safety and health, and migrant and agricultural worker safety and health.

Subcommittee on Health, Employment, Labor, and Pensions.—All matters dealing with relationships between employers and employees including, but not limited to, the National Labor Relations Act, the Labor-Management Relations Act, and the Labor-Management Reporting and Disclosure Act; the Bureau of Labor Statistics; employment-related health and retirement security including pension, health, and other employee benefits and the Employee Retirement Income Security Act

(ERISA); and all matters related to equal employment opportunity and civil rights in employment.

(b) The majority party members of the Committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 3. EX OFFICIO MEMBERSHIP

The Chair of the Committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chair or ranking minority party member has not been assigned.

RULE 4. SUBCOMMITTEE SCHEDULING

(a) Subcommittee chair shall set meeting or hearing dates after consultation with the Chair and other subcommittee chair with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings, wherever possible. No such meetings or hearings, however, shall be held outside of Washington, D.C., or during a recess or adjournment of the House of Representatives without the prior authorization of the Committee Chair. Where practicable, 14 days' notice will be given of such meeting or hearing.

(b) Available dates for subcommittee meetings during the session shall be assigned by the Chair to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chair shall not schedule simultaneous subcommittee markups, a subcommittee markup during a full Committee markup, or any hearing during a markup.

RULE 5. SUBCOMMITTEE RULES

The rules of the Committee shall be the rules of its subcommittees.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the Committee, the Chair of the Committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C. Any member of the Committee may attend public hearings of any subcommittee and any member of the Committee may question witnesses only when they have been recognized by the Chair for that purpose.

RULE 7. HEARING PROCEDURE

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Chair of the Committee, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date or the Committee so determines by majority vote in the presence of the number of members required under the rules of the Committee for the transaction of business. In the latter event, the Chair or the subcommittee chair, as the case may be, shall have such an announcement promptly published in the Daily Digest and made publicly available in electronic form. To the extent practicable, the Chair or the subcommittee chair shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as practicable after such public announcement is made.

(b) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the subcommittee.

(c) All opening statements at hearings conducted by the Committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chair of the Committee or any subcommittee determines that one statement from the Chair or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the Committee or subcommittee, such member shall be entitled to briefly introduce such witness at the hearing.

(d) To the extent practicable, witnesses who are to appear before the Committee or a subcommittee shall file with the staff director of the Committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the Committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the Committee pursuant to this rule.

(e) When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a Committee hearing or subcommittee hearing.

(f) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

RULE 8. QUESTIONING OF HEARING WITNESSES

(a) Subject to clauses (b), (c), and (d), a Committee member may question hearing witnesses only when the member has been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chair, followed by the ranking minority party member and all other members alternating between the majority and minority party. The Chair shall exercise discretion in determining the order in which members will be recognized. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chair may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chair may permit Committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(d) In an investigative hearing or in an executive session, the Chair's authority to extend questioning under subsection (b) and (c) of this rule shall be equal for the majority and the minority party and may not exceed one hour in the aggregate, and shall only be conducted by counsel for the majority and the minority party when authorized under subsection (c) of this rule.

RULE 9. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chair of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chair shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chair shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chair shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 10. DEPOSITION PROCEDURE

(a) In accordance with the Committee receiving authorization by the House of Representatives for the taking of depositions in furtherance of a Committee investigation, the Chair, upon consultation with the ranking minority member, may order the taking of depositions pursuant to notice or subpoena as contemplated by this rule.

(b) The Chair or majority staff shall consult with the ranking minority member or minority staff no less than three business days before any notice or subpoena for a deposition is issued. After such consultation, all members shall receive written notice that a notice or subpoena for a deposition will be issued.

(c) A notice or subpoena issued under this rule shall specify the date, time, and place of the deposition and the method or methods by which the deposition will be recorded. Prior to testifying, a deponent shall be provided with a copy of the Committee's rules, the House Resolution authorizing the taking of the deposition, and Rule X of the Rules of the House of Representatives.

(d)(1) A deposition shall be conducted by one or more members or Committee counsel as designated by the Chair or ranking minority member.

(2) A deposition shall be taken under oath or affirmation administered by a member or a person otherwise authorized to administer oaths and affirmations.

(3) A deposition shall be, unless waived by the deponent, attended by a member of the Committee.

(e) A deponent may be accompanied at a deposition by counsel to advise the deponent of the deponent's rights. Only members and Committee counsel, however, may examine the deponent. No one may be present at a deposition other than members, Committee staff designated by the Chair or ranking minority member, such individuals as may be required to administer the oath or affirmation and transcribe or record the proceedings, the deponent, and the deponent's counsel (including personal counsel and counsel for the entity employing the deponent if the scope of the deposition is expected to cover actions taken as part of the deponent's employment). Observers or counsel for other persons or entities may not attend.

(f)(1) Unless the majority, minority, and deponent agree otherwise, questions in a deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, a member or Committee counsel designated by the Chair shall ask questions first, and the member or Committee counsel designated by the ranking minority member shall ask questions second.

(2) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. Deponent may refuse to answer a question only to preserve a privilege. When the deponent has objected and refused to answer a question to preserve a privilege, the Chair may rule on any such objection after the deposition has adjourned. If the Chair overrules any such objection and thereby orders a deponent to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the Committee and shall be provided to members and the deponent no less than three days before the ruling is enforced at a reconvened deposition. If a member of the Committee appeals in writing the ruling of the Chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed to answer by the Chair in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chair is reversed on appeal. In all cases, when deposition testimony for which an objection has been made is offered for admission in evidence before the Committee, all properly lodged objections then made shall be timely and shall be considered by the Committee prior to admission in evidence before the Committee.

(g) Deposition testimony shall be transcribed by stenographic means and may also be video recorded. The clerk of the Committee shall receive the transcript and any video recording and promptly forward such to minority staff at the same time the clerk distributes such to other majority staff.

(h) The individual administering the oath shall certify on the transcript that the deponent was duly sworn. The transcriber shall certify that the transcript is a true, verbatim record of the testimony, and the transcript and any exhibits shall be filed, as shall any video recording, with the clerk of the Committee. In no case shall any video recording be considered the official transcript of a deposition or otherwise supersede the certified written transcript.

(i) After receiving the transcript, majority staff shall make available the transcript for review by the deponent or deponent's counsel. No later than ten business days thereafter, the deponent may submit suggested changes to the Chair. Committee majority staff may direct the clerk of the Committee to note any typographical errors, including any requested by the deponent or minority staff, via an errata sheet appended to the transcript. Any proposed substantive changes, modifications, clarifications, or amendments to the deposition testimony must be submitted by the deponent as an affidavit that includes the deponent's reasons therefore. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript, a copy of which shall be promptly forwarded to minority staff.

(j) The Chair and ranking minority member shall consult regarding the release of deposition transcript or electronic recordings. If either objects in writing to a proposed release of a deposition transcript or electronic recording or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

RULE 11. QUORUMS

One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action other than amending Committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the Committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the Committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 12. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chair shall consult with subcommittee chair regarding referral to the appropriate subcommittees of such bills, resolutions, and other matters that have been referred to the Committee. Once copies of a bill, resolution, or other matter are available to the Committee, the Chair shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days have elapsed after written notification of such proposed referral to all subcommittee chair, at which time such proposed referral shall be made unless one or more subcommittee chair shall have given written notice to the Chair of the full Committee and to the chair of each subcommittee that he or she intends to question such proposed referral at the next regularly scheduled meeting of the Committee, or at a special meeting of the Committee called for that purpose, at which time referral shall be made by the majority members of the Committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. Upon a majority vote of the Committee, a bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled at any time for the Committee's direct consideration or for reference to another subcommittee.

(c) The Chair shall announce the date, place, and subject matter of a Committee meeting, which may not commence earlier than the third day on which members have notice thereof; but this requirement may be waived if the Chair of the Committee, with the concurrence of the ranking minority member, determines that there is good cause or the Committee so determines by majority vote in the presence of the number of members required under the rules of the Committee for the transaction of such business.

(d) When a bill or resolution is being considered by the Committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee or subcommittee, as the case may be.

(e) In determining the order in which amendments to a matter pending before the Committee or a subcommittee will be considered, the Chair may give priority to:

(1) The Chair's mark, and

(2) Amendments, otherwise in order, that have been filed with the Committee at least 24 hours prior to the Committee or subcommittee business meeting on said measure or matter.

RULE 13. VOTES

(a) With respect to each roll call vote on a motion to report any bill, resolution, or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

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

RULE 14. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the Committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the Committee or subcommittee for inspection by the public at reasonable times in the offices of the Committee or subcommittee and shall be made available on the Committee's website within 48 hours of such record vote. Information so available for public inspection and on the Committee's website shall include a description of the amendment, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or proposition; and the names of those members present but not voting. The text of an amendment offered to a measure or matter considered in Committee shall be made publicly available in electronic form not later than 24 hours after its final disposition in Committee. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any official permanent record of the Committee (including any record of a legislative, oversight, or other activity of the Committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the Committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House of Representatives, any record of the Committee for which a time, schedule, or condition for availability is specified by order of the Committee (entered during the Congress in which the record is made or acquired by the Committee) shall be made available in accordance with the order of the Committee.

(c) The official permanent records of the Committee include noncurrent records of the Committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States

for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the Committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of Committee Rule 12(c) have been met, a quorum consisting of a majority of the members of the Committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the Committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b) (3) of this Rule.

RULE 15. REPORTS

(a) Reports of the Committee. All Committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(1) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House of Representatives. No material change shall be made in the report distributed to members unless agreed to by the ranking minority member; but any member or members of the Committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(2) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the Committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(3) To the extent practicable, any report prepared pursuant to a Committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the Committee or subcommittee, as the case may be.

(b) Disclaimers.

(1) A report on activities of the Committee required under clause 1 of Rule XI of the Rules of the House of Representatives shall include the following disclaimer in the document transmitting the report to the Clerk of the House of Representatives:

This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.

Such disclaimer need not be included if the report was circulated to all members of the Committee at least 7 days prior to its submission to the House of Representatives and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

(2) All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members.

The minority party members of the Committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(c) Reports of Subcommittees. Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the chair of the subcommittee reporting the bill, resolution, or matter to the Committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the chair of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(1) In any event, the report, described in the proviso in subsection (c)(2) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the Committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the Committee shall transmit immediately to the chair of the subcommittee a notice of the filing of that request.

(2) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full Committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration. A member of the Committee shall receive, upon his or her request, a paper copy of such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chair of the Committee so requires (in response to a request from the ranking minority member of the Committee or for other reasons), a comparison showing proposed changes in existing law.

RULE 16. APPOINTMENT OF CONFEREES, NOTICE OF CONFERENCE MEETINGS, AND CONFERENCE MOTION

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chair shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other Committee members as the Chair may designate with the approval of the majority party members. Recommendations of the Chair to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full Committee. In making assignments of minority party members as conferees, the Chair shall consult with the ranking minority party member of the Committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the Committee, the Chair shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

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

RULE 17. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the Committee may not seek to suspend the Rules of the House of Representatives on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chair and ranking minority member of the full Committee.

RULE 18. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) Television, Radio and Still Photography.—

(1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of clause 4 of Rule XI of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chair of the Committee, the subcommittee chair, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House of Representatives.

(2) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then accredited to the Press Photographers' Gallery.

(b) Audio and Video Coverage of Committee Hearings and Meetings.—To the maximum extent practicable, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public. Such coverage shall be fair and nonpartisan in accordance with clause 4(b) of Rule XI of the Rules of the House of Representatives and other applicable rules of the House of Representatives and of the Committee. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 19. COMMITTEE STAFF

(a) The employees of the Committee shall be appointed by the Chair in consultation with subcommittee chair and other majority party members of the Committee within the budget approved for such purposes by the Committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the Committee shall determine within the budget approved for such purposes by the Committee.

RULE 20. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chair, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he or she determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the Committee, who may delegate such authority as they determine appropriate. All Committee staff shall be assigned to Committee business and no other duties may be assigned to them.

RULE 21. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be paid from funds set aside for the full Committee for any member or any staff member shall be paid only upon the prior authorization of the Chair. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations that involve activities or subject matter under the general jurisdiction of the Committee. The Chair shall review travel requests to assure the validity to Committee business. Before such authorization is given, there shall be submitted to the Chair in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made; and

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittees, prior authorization must be obtained from the Chair, or, in the case of a subcommittee, from the subcommittee chair and the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of travel;

(B) The dates during which the travel will occur;

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

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) The names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chair or the chair of a subcommittee (except that individuals may submit a request to the Chair for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) The Chair shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chair covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House of Representatives and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chair's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 22. BUDGET AND EXPENSES

(a) The Chair, in consultation with the majority party members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the Committee; and, after consultation with the minority party membership, the Chair shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chair shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House of Representatives. After such budget shall have been adopted, no change shall be made in such budget unless approved by the Committee. The Chair or the chair of any standing subcommittee may initiate necessary travel requests as provided in Committee Rule 21 within the limits of their portion of the consolidated budget as approved by the House, and the Chair may execute necessary vouchers therefor.

(b) Subject to the Rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chair of the Committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, D.C.:

(1) Out of funds budgeted and set aside for each subcommittee, not to exceed $5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) Out of funds budgeted for the full Committee majority, not to exceed $5,000 for expenses of witnesses attending full Committee hearings; and

(3) Out of funds set aside to the minority party members, (A) Not to exceed, for each of the subcommittees, $5,000 for expenses of witnesses attending subcommittee hearings, and (B) Not to exceed $5,000 for expenses of witnesses attending full Committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of Committee funds shall be maintained in the Committee office, where it shall be available to each member of the Committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. CHANGES IN COMMITTEE RULES

The Committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the proposed change.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 15, 2011, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Beverly Pheto	10/7	10/9	Thailand		436.00						436.00
	10/10	10/11	Cambodia		376.00						376.00
	10/12	10/14	Vietnam		556.00						556.00
Commercial Airfare							10,877.20				10,877.20
John Blazey	10/7	10/9	Thailand		436.00						436.00
	10/10	10/11	Cambodia		376.00						376.00
	10/12	10/14	Vietnam		556.00						556.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial Airfare							10,754.00				10,754.00
Diana Simpson	10/6	10/7	Thailand		624.00						624.00
									70.50		70.50
Commercial Airfare							10,400.00				10,400.00
Stephanie Gupta	10/5	10/9	Thailand		872.00						872.00
	10/9	10/10	Thailand		188.00						188.00
	10/10	10/12	Cambodia		376.00						376.00
	10/12	10/12	Cambodia								
Commercial Airfare							9,738.10				9,738.10
Jim Holm	10/5	10/9	Thailand		872.00						872.00
	10/9	10/10	Thailand		188.00						188.00
	10/10	10/12	Cambodia		376.00						376.00
	10/12	10/12	Cambodia								
	10/12	10/14	Vietnam		554.06						554.06
Commercial Airfare							12,289.70				12,289.70
Stephanie Myers	10/7	10/9	Thailand		436.00						436.00
	10/9	10/10	Thailand		187.00						187.00
	10/10	10/12	Cambodia		374.12						374.12
	10/12	10/12	Cambodia								
	10/12	10/14	Vietnam		554.06						554.06
Commercial Airfare							11,406.20				11,406.20
Matthew McCardle	10/10	10/15	England		2,065.00						2,065.00
Commercial Airfare							1,853.40				1,853.40
Jeff Shockey	10/13	10/16	Germany		822.94						822.94
Commercial Airfare							1,657.10				1,657.10
Tom McLemore	10/13	10/16	Germany		822.94						822.94
Commercial Airfare							1,642.60				1,642.60
Martin Delgado	10/13	10/16	Germany		822.94						822.94
Commercial Airfare							1,642.60				1,642.60
Celes Hughes	10/18	10/28	Africa		2,506.41						2,506.41
	10/28	10/29	United Arab Emirates		347.58						347.58
Commercial Airfare							6,471.60				6,471.60
Christopher White	10/18	10/28	Africa		2,506.41						2,506.41
	10/28	10/29	United Arab Emirates		347.58						347.58
Commercial Airfare							6,461.60				6,461.60
Gregory Lankler	10/12	10/14	Jordan		620.00						620.00
	10/14	10/18	Israel		1,794.00						1,794.00
Commercial Airfare							6,558.89				6,558.89
Jennifer Miller	10/12	10/14	Jordan		620.00						620.00
	10/14	10/18	Israel		1,794.00						1,794.00
Commercial Airfare							6,464.49				6,464.49
Committee total					23,407.04		98,217.48		70.50		121,695.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HAROLD ROGERS, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany, October 18–21, 2010:											
Paul Arcangeli	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
Mark Lewis	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
John Phillip MacNaughton	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
John Wason	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
Visit to Afghanistan, United Arab Emirates, November 19–23, 2010:											
Hon. Adam Smith	11/21	11/22	United Arab Emirates								
	11/22	11/23	Afghanistan		5.00						5.00
Commercial Transportation							10,522.10				10,522.10
Hon. David Loebsack	11/21	11/22	United Arab Emirates		52.75						52.75
	11/22	11/23	Afghanistan		5.00						5.00
Commercial Transportation							10,522.10				10,522.10
Hon. Larry Kissell	11/21	11/22	United Arab Emirates		6.00						6.00
	11/22	11/23	Afghanistan		5.00						5.00
Commercial Transportation							10,522.10				10,522.10
Hon. Rob Wittman	11/21	11/22	United Arab Emirates		142.00						142.00
	11/22	11/23	Afghanistan		28.00						28.00
Commercial Transportation							10,522.10				10.522.10
Hon. Mike Coffman	11/21	11/22	United Arab Emirates								
	11/22	11/23	Afghanistan		5.00						5.00
Commercial Transportation							10,522.10				10.522.10
Timothy McClees	11/21	11/22	United Arab Emirates		82.00						82.00
	11/22	11/23	Afghanistan		19.00						19.00
Commercial Transportation							10,522.10				10.522.10
Joshua Holly	11/21	11/22	United Arab Emirates		82.00						82.00
	11/22	11/23	Afghanistan		19.00						19.00
Commercial Transportation							10,522.10				10.522.10
Committee Total					3,614.75		80,638.70				84,253.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. BUCK McKEON, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. GEORGE MILLER, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Virgil Miller	10/17	10/22	Kenya		1,573.00		4,125.70		183.80		
Camille Sealy	10/17	10/22	Kenya		1,573.00		4,125.70		183.80		
Timothy Robinson	10/26	10/30	Israel		1,398.00		1,808.69		962.60		
Shannon Weinberg	10/26	10/29	Israel		1,398.00		1,773.69		810.00		
Mary Neumayr	11/07	11/13	Thailand		1,020.00		9,290.90				
Lorie Schmidt	11/07	11/15	Thailand		1,282.06		9,175.90				
Alexander Barron	12/07	12/10	Mexico		236.50		1,681.99				
Alexandra Teitz	12/07	12/10	Mexico		236.00		1,391.72				
Committee total					8,676.56		33,374.29		2,140.20		44,191.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HENRY A. WAXMAN, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amanda Halpern	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Paula Delcambre	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Cory Horton	12/6	12/9	United Arab Emirates		429.00		17,682.40				18,111.40
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Luke Burke	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Stephen Vina	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Ellen Carlin	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
DeCarlo McLaren	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Brian Turbyfill	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Curtis Brown	12/6	12/9	United Arab Emirates		429.00		9,317.30				9,746.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Tamla Scott	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Pizza Ashby	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Moneshia Tisdale	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Kimberley Alton	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Issac Lanier Avant	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Committee total					12,705.00		139,431.30				152,136.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BENNIE G. THOMPSON, Jan. 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Keenan Keller	12/13	12/16	Switzerland		1,398.00		1,713.40				3,111.40
Committee total					1,398.00		1,713.40				3,111.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman Feb. 7, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman Jan. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Shimere Williams	12/06	12/10	Mexico		1,227.00		505.72				1,732.72
Committee total					1,227.00		505.72				1,732.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. RALPH M. HALL, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN L. MICA, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Hoekstra	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							13,836.10				14,978.64
James Lewis	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							14,875.10				16,013.64
Chris Donesa	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							14,875.10				16,013.64
Hon. Peter Hoekstra	10/16	10/17	Europe		165.94						
	10/17	10/19	Europe		865.40						
	10/19	10/23	Europe		1,460.00						
Commercial Aircraft							8,727.80				11,219.14
James Lewis	10/16	10/17	Europe		165.94						
	10/17	10/19	Europe		865.40						
	10/19	10/23	Europe		1,460.00						
							9,435.10				11,926.44
Stacey Dixon	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							12,595.09				13,916.29
Abbas Ravjani	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							10,501.09				11,822.29
Catherine McElroy	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							10,501.09				11,822.29
Jay Hulings	10/18	10/22	Asia		1,400.00						
Commercial Airfare							14,537.10				15,937.10
Mark Young	10/18	10/22	Asia		1,400.00						
Commercial Airfare							17,299.60				18,699.60
George Pappas	10/18	10/22	Asia		1,400.00						
Commercial Airfare							9,610.60				11,010.60
Fred Fleitz	10/18	10/22	Asia		1,400.00						
Commercial Airfare							14,453.10				15,853.10
In accordance with title 22, United States Code, Section 1754(b)(2), information as would identify the foreign countries in which the Committee members and staff have traveled is omitted.											
Committee total											169,212.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SILVESTRE REYES, Feb. 1, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ronald McNamara	12/16	12/21	Belarus		1,128.33		3,380.40				4,508.73
Committee totals					1,128.33		3,380.40				4,508.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Jan. 25, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

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

416. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0088] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

417. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1172] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

418. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

419. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1141] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

420. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

421. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8163] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

422. A letter from the Assistant Division Chief, Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 1 and 63 of the Commission's Rules [IB Docket No. 04-47] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

423. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

424. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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470. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

471. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 100204079-0199-02] (RIN: 0648-XA084) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

472. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ61) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

473. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XA073) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

474. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Revisions to Civil and Criminal Penalties; Penalty Guidelines [FRA-2006-24512] (RIN: 2130-AB70) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

475. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AG06) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

476. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

477. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amendments to the Section 7216 Regulations--Disclosure or Use of Information by Prepares of Returns [TD 9478] (RIN: 1545-BI86) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

478. A letter from the Management Analyst, Directives and Regulations Branch, Forest Service, transmitting the Service's final rule — Prohibitions in Areas Designated by Order Closure of National Forest System Lands to Protect Privacy of Tribal Activities (RIN: 0596-AC93) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

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. ROGERS (KY): Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2011 (Rept. 112–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 92. A resolution providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112–13). 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 Ms. HIRONO (for herself and Mr. JOHNSON of Illinois):

H.R. 684. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Ways and Means.

By Ms. JACKSON LEE of Texas (for herself, Mr. CUMMINGS, Mr. CHABOT, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JOHNSON of Georgia):

H.R. 685. A bill to amend title 18, United States Code, to criminalize the unauthorized recording and distribution of security screening images of individuals created by advanced imaging technology utilized by the Transportation Security Administration or other Federal authority, require the Transportation Security Administration to disable image retention capabilities of advanced imaging technology, and for other purposes; to

the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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, Mr. MATHESON, and Mr. CHAFFETZ):

H.R. 686. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. CALVERT, Mr. COURTNEY, Mr. FARR, Mr. FILNER, Mr. KISSELL, Mr. LOBIONDO, Mr. MCCAUL, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. WOLF, and Mr. YOUNG of Florida):

H.R. 687. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 688. A bill to amend title 49, United States Code, to provide authority to the Secretary of Transportation to guarantee sureties against loss resulting from a breach of the terms of a bond by an eligible small business concern, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDWARDS (for herself, Mr. BARTLETT, Mr. GARAMENDI, Ms. FUDGE, Mr. FILNER, Ms. NORTON, Ms. TSONGAS, Mr. BISHOP of Georgia, Mr. CICILLINE, Mr. HOLT, and Mr. JACKSON of Illinois):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. DENHAM, Mr. CRAWFORD, Mr. COBLE, Mrs. SCHMIDT, Mr. LOBIONDO, Mr. ROE of Tennessee, Mr. LONG, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. CALVERT, Mrs. CAPITO, Mr. DENT, Mr. YOUNG of Alaska, Mr. DIAZ-BALART, Mr. REICHERT, Mr. SHUSTER, Mr. GERLACH, and Mr. BUCHANAN):

H.R. 690. A bill to direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW., in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GINGREY of Georgia:

H.R. 691. A bill to amend the Truth in Lending Act to prohibit issuance of residential mortgages to any individual who lacks a Social Security account number; to the Committee on Financial Services.

By Mr. GINGREY of Georgia:

H.R. 692. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia:

H.R. 693. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to make the E-Verify Program permanent and mandatory, and to provide for certain changes to procedures for participants in the Program; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. MEEKS, Mr. CHAFFETZ, Mr. PAUL, Mr. YOUNG of Alaska, Mr. WU, Ms. MCCOLLUM, Mr. MICHAUD, Mr. HINCHEY, Mr. ACKERMAN, Mrs. MYRICK, Mr. COURTNEY, Mr. HOLT, Mr. FILNER, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Mr. HANNA, Mr. JACKSON of Illinois, Mrs. MALONEY, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, Mr. PRICE of North Carolina, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. WALZ of Minnesota, Mr. GRIMM, Mr. FORBES, and Mr. MCINTYRE):

H.R. 694. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the deduction for certain expenses of elementary and secondary school teachers and to increase the maximum deduction to $500; to the Committee on Ways and Means.

By Mr. MARCHANT (for himself, Ms. FOXX, Mr. FLORES, Mr. NEUGEBAUER, Mrs. LUMMIS, Mr. POSEY, Mr. CARTER, and Mr. NUGENT):

H.R. 695. A bill to require each applicant for a home mortgage to be insured under the FHA mortgage insurance program of the Department of Housing and Urban Development, held by Fannie Mae or Freddie Mac, or made, insured, or guaranteed by the Secretary of Veterans Affairs or any other agency or entity of the Federal Government, to provide to the lender information sufficient to perform a verification of the applicant through the E-Verify program; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H.R. 696. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 697. A bill to designate the facility of the United States Postal Service located at 2271 Lake Avenue in Altadena, California, as the ''First Lieutenant Oliver Goodall Post Office''; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of South Carolina:

H.R. 698. A bill to deauthorize and rescind funding for the Patient Protection and Affordable Care Act and health-care-related provisions of the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, and Appropriations, 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. SENSENBRENNER (for himself and Mr. GEORGE MILLER of California):

H.R. 699. A bill to provide for the admission to the United States of certain Tibetans; to the Committee on the Judiciary.

By Mr. WALBERG:

H.R. 700. A bill to provide a moratorium on the issuance of flood insurance rate maps, to assist property owners in adapting to flood insurance rate map changes, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS:

H.J. Res. 27. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and provide for the direct election of the President and Vice President by the popular vote of all citizens of the United States regardless of place of residence; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. BORDALLO, Ms. BROWN of Florida, Ms. EDWARDS, Ms. ESHOO, Ms. FUDGE, Mr. GRIJALVA, Mr. HONDA, Ms. MATSUI, Mr. REYES, Ms. WASSERMAN SCHULTZ, and Mr. WU):

H. Res. 91. A resolution expressing the support of the House of Representatives for efforts to increase diversity in science, technology, engineering, and mathematics (STEM) and recognizing the Association for Women in Science (AWIS) for its 40 years of service to broadening the participation of underrepresented groups in STEM; to the Committee on Science, Space, and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UPTON introduced a bill (H.R. 701) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

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

By Ms. HIRONO:

H.R. 684.

Congress has the power to enact this legislation pursuant to the following:

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

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

By Mr. BISHOP of Utah:

H.R. 686.

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 I, section 8 of the United States Constitution, specifically clause 14 (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), clause 16 (relating to the power of Congress to provide for organizing, arming, and disciplining the militia), and clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress); and 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. CARTER:

H.R. 687.

Congress has the power to enact this legislation pursuant to the following:

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

By Mr. CUMMINGS:

H.R. 688.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Fourteenth Amendment, Sections 1 and 5

Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

Section 5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

By Ms. EDWARDS:

H.R. 689.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. 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. MICA:

H.R. 690.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and 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. GINGREY of Georgia:

H.R. 691.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 which states that the Congress has power ''to regulate Commerce with the foreign Nations, and among the several States . . .''

By Mr. GINGREY of Georgia:

H.R. 692.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution states in Article I, Section 8, Clause 18, that Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.''

By Mr. GINGREY of Georgia:

H.R. 693.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 which states that the Congress has power ''to regulate Commerce with the foreign Nations, and among the several States. . .''

By Mr. KISSELL:

H.R. 694.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MARCHANT:

H.R. 695.

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 related to the following clauses in Article 1, Section 8 of the Constitution:

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

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization.

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. PENCE:

H.R. 696.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution. Pursuant to Clause 1 of Section 7 of Article I of the United States Constitution, all bills for raising revenue shall originate in the House of Representatives.

By Mr. SCHIFF:

H.R. 697.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCOTT of South Carolina:

H.R. 698.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 699.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. WALBERG:

H.R. 700.

Congress has the power to enact this legislation pursuant to the following:

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

Article I, Section 8, Clause 3: The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. UPTON:

H.R. 701.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the United States Constitution states that ''The Congress shall have Power to establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.''

Article I, Section 8, Clause 3 of the United States Constitution states that ''The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. STEARNS:

H.J. Res. 27.

Congress has the power to enact this legislation pursuant to the following:

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Mr. JACKSON of Illinois:

H.J. Res. 28.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 29.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 30.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 31.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 32.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 33.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 34.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 35.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 36.

Congress has the power to enact this legislation pursuant to the following:

Article V

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. JONES and Mr. MCKINLEY.
H.R. 21: Mr. OLSON.
H.R. 58: Mr. POE of Texas.
H.R. 127: Mr. SCOTT of South Carolina.
H.R. 140: Mr. DUNCAN of Tennessee.
H.R. 157: Mr. DENT.
H.R. 198: Mr. SCHIFF.
H.R. 206: Mr. JOHNSON of Ohio.
H.R. 218: Mr. GONZALEZ and Mr. FILNER.
H.R. 289: Mr. FILNER and Mr. LIPINSKI.
H.R. 300: Ms. SCHAKOWSKY.
H.R. 303: Mr. BURTON of Indiana.
H.R. 371: Mr. GOODLATTE, Mr. BENISHEK, and Ms. HERRERA BEUTLER.
H.R. 389: Mr. MCKINLEY, Mr. KISSELL, Mr. KINGSTON, Mr. BOUSTANY, Mr. TIPTON, Mr. GIBBS, Mr. REHBERG, and Mrs. ADAMS.
H.R. 401: Mr. DAVIS of Illinois, Mr. CLAY, Mr. WATT, Ms. LEE of California, and Mr. JACKSON of Illinois.
H.R. 413: Ms. SLAUGHTER.
H.R. 421: Mr. GOWDY, Mr. POE of Texas, and Mr. KLINE.
H.R. 431: Ms. FOXX and Mr. OLSON.
H.R. 440: Ms. BORDALLO, Mr. BOSWELL, Mr. WALBERG, Mr. ROSS of Florida, Mr. POMPEO, Ms. SPEIER, and Mr. WILSON of South Carolina.
H.R. 451: Mr. DAVID SCOTT of Georgia and Mr. TIBERI.
H.R. 458: Mr. YARMUTH and Mr. FILNER.
H.R. 463: Mr. JONES, Mr. CONYERS, and Mr. DUNCAN of Tennessee.
H.R. 478: Mr. LATTA, Mr. DUNCAN of Tennessee, and Mr. MCKINLEY.
H.R. 505: Mr. HASTINGS of Florida and Mr. STARK.
H.R. 509: Mrs. BACHMANN, Mr. GOSAR, and Mr. PETRI.
H.R. 513: Mr. MCKINLEY, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. FORBES, Mr. LAMBORN, Mr. CALVERT, and Mr. LATTA.
H.R. 535: Ms. NORTON and Ms. SCHAKOWSKY.
H.R. 539: Mr. CONYERS and Mr. TONKO.
H.R. 546: Mr. DENHAM, Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. ROHRABACHER, Mr. KUCINICH, Mr. HUNTER, Mr. KING of New York, Mr. GRIFFITH of Virginia, Mr. FILNER, Mr. PASTOR of Arizona, Mrs. MYRICK, and Mr. GOSAR.
H.R. 547: Mr. TERRY.
H.R. 548: Mr. BURTON of Indiana, Mr. TURNER, and Mr. WESTMORELAND.
H.R. 589: Ms. VELÁZQUEZ.
H.R. 601: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. COHEN, Mr. OLVER, Mr. CONNOLLY of Virginia, and Mr. HIMES.
H.R. 607: Ms. BERKLEY and Ms. RICHARDSON.
H.R. 609: Mr. HENSARLING.
H.R. 613: Ms. KAPTUR.
H.R. 614: Ms. SLAUGHTER.
H.R. 616: Mr. NADLER.
H.R. 658: Mr. CRAVAACK and Mr. ROKITA.
H.R. 663: Ms. JENKINS.
H.R. 676: Mr. OLVER and Ms. WATERS.
H. Res. 25: Mr. LONG, Mrs. NAPOLITANO, Mr. COSTA, Mr. GRIFFIN of Arkansas, Mr. AUSTRIA, Mr. ROSS of Arkansas, Mr. TERRY, and Mr. CUMMINGS.
H. Res. 47: Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. HONDA, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, and Ms. ESHOO.
H. Res. 83: Ms. BASS of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: MR. CRAVAACK

AMENDMENT NO. 1: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. ROONEY

AMENDMENT NO. 2: Page 33, line 16, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $450,000,000)''.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 3: Page 276, beginning on line 12, strike section 1747.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 4: Page 216, line 23, through page 217, line 4, strike '': *Provided*,'' and all that follows through ''et seq.)''.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 5: Page 276, beginning on line 4, strike section 1746.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC.____. The total amount otherwise made available by this Act (except for amounts for the Departments of Defense, Homeland Security, and Veterans Affairs) is hereby reduced by $16,000,000,000.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. The total amount otherwise made available by this Act for the Departments of Defense, Homeland Security, and Veterans Affairs is hereby reduced by $14,000,000,000.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to regulate or classify coal combustion residuals as a hazardous waste or material.

H.R. 1

OFFERED BY: MR. PENCE

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be made available for any

purpose to Planned Parenthood Federation of America, Inc. or any of the following affiliates of Planned Parenthood Federation of America, Inc.:

(1) Planned Parenthood Southeast in Atlanta, Georgia.

(2) Planned Parenthood of the Great Northwest in Seattle, Washington.

(3) Planned Parenthood Arizona in Phoenix, Arizona.

(4) Planned Parenthood of Arkansas and Eastern Oklahoma in Tulsa, Oklahoma.

(5) Planned Parenthood of Greater Memphis Region in Memphis, Tennessee.

(6) Planned Parenthood Affiliates of California in Sacramento, California.

(7) Planned Parenthood Los Angeles in Los Angeles, California.

(8) Planned Parenthood Mar Monte in San Jose, California.

(9) Planned Parenthood of Orange & San Bernardino Counties, Inc. in Orange, California.

(10) Planned Parenthood Pasadena and San Gabriel Valley, Inc. in Pasadena, California.

(11) Planned Parenthood of the Pacific Southwest in San Diego, California.

(12) Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties in Santa Barbara, California.

(13) Planned Parenthood: Shasta-Diablo in Concord, California.

(14) Six Rivers Planned Parenthood in Eureka, California.

(15) Planned Parenthood of the Rocky Mountains in Denver, Colorado.

(16) Planned Parenthood of Southern New England, Inc. in New Haven, Connecticut.

(17) Planned Parenthood of Delaware in Wilmington, Delaware.

(18) Planned Parenthood of Metropolitan Washington, D.C., Inc. in Washington, District of Columbia.

(19) Florida Association of Planned Parenthood Affiliates in Sarasota, Florida.

(20) Planned Parenthood of Collier County in Naples, Florida.

(21) Planned Parenthood of Greater Orlando, Inc. in Orlando, Florida.

(22) Planned Parenthood of North Florida in Jacksonville, Florida.

(23) Planned Parenthood of South Florida and the Treasure Coast, Inc. in West Palm Beach, Florida.

(24) Planned Parenthood of Southwest and Central Florida, Inc. in Sarasota, Florida.

(25) Planned Parenthood of Hawaii in Honolulu, Hawaii.

(26) Planned Parenthood of Greater Washington and North Idaho in Yakima, Washington.

(27) Planned Parenthood of Illinois in Chicago, Illinois.

(28) Planned Parenthood of the St. Louis Region in St. Louis, Missouri.

(29) Planned Parenthood of Indiana, Inc. in Indianapolis, Indiana.

(30) Iowa Planned Parenthood Affiliate League in Des Moines, Iowa.

(31) Planned Parenthood of East Central Iowa in Cedar Rapids, Iowa.

(32) Planned Parenthood of the Heartland in Des Moines, Iowa.

(33) Planned Parenthood of Southeast Iowa in Burlington, Iowa.

(34) Planned Parenthood of Kansas and Mid-Missouri in Overland Park, Kansas.

(35) Planned Parenthood of Kentucky, Inc. in Louisville, Kentucky.

(36) Planned Parenthood Southwest Ohio Region in Cincinnati, Ohio.

(37) Planned Parenthood Gulf Coast, Inc. in Houston, Texas.

(38) Planned Parenthood of Northern New England in Williston, Vermont.

(39) Planned Parenthood of Maryland, Inc. in Baltimore, Maryland.

(40) Planned Parenthood League of Massachusetts in Boston, Massachusetts.

(41) Planned Parenthood Affiliates of Michigan in Lansing, Michigan.

(42) Planned Parenthood of West and Northern Michigan in Grand Rapids, Michigan.

(43) Planned Parenthood Mid and South Michigan in Ann Arbor, Michigan.

(44) Planned Parenthood of South Central Michigan in Kalamazoo, Michigan.

(45) Planned Parenthood of Minnesota, North Dakota, South Dakota in St. Paul, Minnesota.

(46) Planned Parenthood of Southwest Missouri in St. Louis, Missouri.

(47) Tri-Rivers Planned Parenthood in Rolla, Missouri.

(48) Planned Parenthood of Montana, Inc. in Billings, Montana.

(49) Planned Parenthood of the Heartland in Omaha, Nebraska.

(50) Planned Parenthood Affiliates of New Jersey in Trenton, New Jersey.

(51) Planned Parenthood Association of the Mercer Area in Trenton, New Jersey.

(52) Planned Parenthood of Central New Jersey in Shrewsbury, New Jersey.

(53) Planned Parenthood of Greater Northern New Jersey, Inc. in Morristown, New Jersey.

(54) Planned Parenthood of Metropolitan New Jersey in Newark, New Jersey.

(55) Planned Parenthood of Southern New Jersey in Camden, New Jersey.

(56) Planned Parenthood of New Mexico, Inc. in Albuquerque, New Mexico.

(57) Family Planning Advocates of New York State in Albany, New York.

(58) Planned Parenthood Hudson Peconic, Inc. in Hawthorne, New York.

(59) Planned Parenthood Mohawk Hudson in Utica, New York.

(60) Planned Parenthood of Mid-Hudson Valley, Inc. in Poughkeepsie, New York.

(61) Planned Parenthood of Nassau County, Inc. in Hempstead, New York.

(62) Planned Parenthood of New York City, Inc. in New York, New York.

(63) Planned Parenthood of the North Country New York, Inc. in Watertown, New York.

(64) Planned Parenthood of South Central New York, Inc. in Oneonta, New York.

(65) Planned Parenthood of the Rochester/Syracuse Region in Rochester, New York.

(66) Planned Parenthood of the Southern Finger Lakes in Ithaca, New York.

(67) Planned Parenthood of Western New York, Inc. in Buffalo, New York.

(68) Upper Hudson Planned Parenthood, Inc. in Albany, New York.

(69) Planned Parenthood Health Systems, Inc. in Raleigh, North Carolina.

(70) Planned Parenthood of Central North Carolina in Chapel Hill, North Carolina.

(71) Planned Parenthood Affiliates of Ohio in Columbus, Ohio.

(72) Planned Parenthood of Central Ohio, Inc. in Columbus, Ohio.

(73) Planned Parenthood of Northeast Ohio in Akron, Ohio.

(74) Planned Parenthood of Northwest Ohio in Toledo, Ohio.

(75) Planned Parenthood of Southeast Ohio in Athens, Ohio.

(76) Planned Parenthood of Central Oklahoma, Inc. in Oklahoma City, Oklahoma.

(77) Planned Parenthood Advocates of Oregon in Eugene, Oregon.

(78) Planned Parenthood of Southwestern Oregon in Eugene, Oregon.

(79) Planned Parenthood Columbia Willamette in Portland, Oregon.

(80) Planned Parenthood Pennsylvania Advocates in Harrisburg, Pennsylvania.

(81) Planned Parenthood Association of Bucks County in Warminster, Pennsylvania.

(82) Planned Parenthood of Central Pennsylvania, Inc. in York, Pennsylvania.

(83) Planned Parenthood of Northeast and Mid-Penn in Trexlertown, Pennsylvania.

(84) Planned Parenthood of Western Pennsylvania in Pittsburgh, Pennsylvania.

(85) Planned Parenthood Southeastern Pennsylvania in Philadelphia, Pennsylvania.

(86) Planned Parenthood of Middle and East Tennessee, Inc. in Nashville, Tennessee.

(87) Texas Association of Planned Parenthood Affiliates in Austin, Texas.

(88) Planned Parenthood Association of Cameron & Willacy Counties, Inc. in Brownsville, Texas.

(89) Planned Parenthood Association of Hidalgo County, Inc. in McAllen, Texas.

(90) Planned Parenthood Association of Lubbock, Inc. in Lubbock, Texas.

(91) Planned Parenthood of Central Texas, Inc. in Waco, Texas.

(92) Planned Parenthood of North Texas, Inc. in Dallas, Texas.

(93) Planned Parenthood of the Texas Capital Region in Austin, Texas.

(94) Planned Parenthood of West Texas, Inc. in Odessa, Texas.

(95) Planned Parenthood Trust of San Antonio and South Central Texas in San Antonio, Texas.

(96) Planned Parenthood Association of Utah in Salt Lake City, Utah.

(97) Planned Parenthood Advocates of Virginia in Charlottesville, Virginia.

(98) Planned Parenthood of Southeastern Virginia, Inc. in Hampton, Virginia.

(99) Virginia League for Planned Parenthood in Richmond, Virginia.

(100) Planned Parenthood Public Policy Network of Washington in Seattle, Washington.

(101) Mt. Baker Planned Parenthood in Bellingham, Washington.

(102) Planned Parenthood of Wisconsin, Inc. in Milwaukee, Wisconsin.

H.R. 1

OFFERED BY: MRS. MCCARTHY OF NEW YORK

AMENDMENT NO. 12: Page 202, line 16, after the dollar amount, insert ''(reduced by $20,000,000) (increased by $20,000,000)''.

H.R. 1

OFFERED BY: MR. ROONEY

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ''Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq.).

H.R. 1

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 14: Page 318, line 6, after the dollar amount, insert ''(increased by $9,912,497,000)''.

Page 318, line 8, insert before the period at the end the following: '': *Provided*, That of the funds made available by this section, $9,912,497,000 is for comprehensive service programs authorized under subchapter II of chapter 20 of title 38, United States Code''.

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

SEC. 4002. There is hereby enacted into law H.R. 601 of the 112th Congress, as introduced on February 10, 2011.

Page 359, line 10, after the dollar amount, insert ''(increased by $31,000,000,000)''.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 15: Page 304, beginning on line 3, strike section 1844.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 16: Page 304, beginning on line 12, strike section 1846.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 17: Strike subsections (a) and (b) of section 1824.

Strike section 1828.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 18: Page 293, line 4, after the dollar amount insert ''(increased by $390,328,000)''.

Page 293, line 4, after the dollar amount insert ''(increased by $390,328,000)''.

Page 293, lines 11 through 15, strike subsection (b).

H.R. 1

OFFERED BY: MR. TIPTON

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (other than an amount provided for the Department of Defense, Homeland Security, or Veterans Affairs, or an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

H.R. 1

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 20: Strike lines 11–17 of p. 333 in H.R. 1.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 21: Page 171, line 21, after the dollar amount, insert ''(reduced by $750,000)(increased by $750,000)''.

Page 173, line 14, after the dollar amount, insert ''(reduced by $750,000)(increased by $750,000)''.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 22: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of the Army to acquire land or construct any buildings or structures within the town of Lake Park, Florida.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'', by reducing the amount made available for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training'', by reducing the amount made available for ''Department of Health and Human Services, National Institutes of Health'', and by increasing the amount made available for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'', by $14,000,000, by $14,000,000, by an additional $14,000,000, and by $42,000,000, respectively.

H.R. 1

OFFERED BY: MR. CAMP

AMENDMENT NO. 24: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O'Brien Lock and Dam or the Chicago River controlling Works, except in the event of flooding or as needed to protect public health and safety.

H.R. 1

OFFERED BY MR. GRAVES OF GEORGIA

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement or enforce the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10–201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY MR. MCCAUL

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for a project or program named for an individual serving in the United States Congress as a Senator, Member of the House of Representatives, Delegate to the House of Representatives, or Resident Commissioner of Puerto Rico.

H.R. 1

OFFERED BY: MR. MARKEY

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

H.R. 1

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 28: Page 240, line 20, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 359, line 10, after the dollar amount, insert ''(increased by $4,000,000)''.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 29: Page 326, line 2, after the dollar amount, insert ''(reduced by $44,935,065)''.

Page 326, line 4, after the dollar amount, insert ''(reduced by $4,642,900)''.

Page 326, line 7, after the dollar amount, insert ''(reduced by $136,634,225)''.

Page 326, line 11, after the dollar amount, insert ''(reduced by $2,918,415)''.

Page 326, line 14, after the dollar amount, insert ''(reduced by $19,514,825)''.

Page 326, line 17, after the dollar amount, insert ''(reduced by $2,599,270)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $211,244,700)''.

H.R. 1

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 30: Page 263, line 15, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 263, line 18, after the first dollar amount, insert ''(reduced by $2,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 31: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to demolish structures within the Delaware Water Gap.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to give assistance to any individual who is a member of, or affiliated with, an organization designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out a market access program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 34: Page 281, line 21, after the dollar amount, insert ''(reduced by $145,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $145,000,000)''.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 35: Page 303, line 13, after the dollar amount, insert ''(reduced by $265,869,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $265,869,000)''.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 36: Page 281, line 25, after the dollar amount, insert ''(reduced by $145,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $145,000,000)''.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 37: Page 354, line 6, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

Page 359, line 22, after the dollar amount, insert ''(increased by $1,500,000,000)''.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated by this Act may be used for the Community Connect broadband grant program administered by the Rural Utilities Service of the Department of Agriculture.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT NO. 39: Page 243, strike lines 12 through 14.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT NO. 40: Page 243, strike lines 15 through 24.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT NO. 41: Page 234, line 10, insert after the dollar amount the following: ''(increased by $2,300,000)''.

Page 234, line 11, insert after the dollar amount the following: ''(reduced by $2,300,000)''.

Page 234, line 14, insert after the dollar amount the following: ''(increased by $1,000,000)''.

Page 234, strike line 15 and all that follows through page 235, line 8.

H.R. 1

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 42: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement any policy, directive, administrative regulation, circular, or action to convert from private sector to public sector performance any functions or positions that are not inherently governmental in nature.

H.R. 1

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 43: Page 348, line 2, after the dollar amount insert ''(reduced by $446,900,000)''.

Page 359, line 22, after the dollar amount insert ''(increased by $446,900,000)''.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 44: Beginning on page 346, strike line 4 and all that follows through Page 351, line 17.

H.R. 1

OFFERED BY: MS. BALDWIN

AMENDMENT NO. 45: At the end of division A, insert the following:

SEC. ____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced by a pro rata amount so that the total reduction resulting from the application of this section is $1,000,000,000.

Page 287, line 12, after the dollar amount, insert ''(increased by $1,000,000,000)''.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 46: At the end of the bill (before the short title), insert the following new section:

SEC. __. None of the funds made available by this Act may be used to maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in Europe in excess of 35,000 members and end strength levels for active duty members of the Army, Navy, and Air Force of 565,275, 328,250, and 329,275, respectively, and the amounts otherwise provided by this Act for ''Military Personnel, Army'', ''Military Personnel, Navy'' and ''Military Personnel, Air Force'' in title I of division A are hereby reduced by $155,914,688, $18,047,700, and $118,488,825, respectively.

H.R. 1

OFFERED BY: MR. LUETKEMEYER

AMENDMENT NO. 47: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 48: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section 75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT NO. 49: At the end of the bill (before the short title), insert the following:

SEC. ____. Not more than $200,000,000 of the funds made available by division A of this Act may be used for military bands, musical equipment, or musical performances.

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT NO. 50: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense for sponsorship of NASCAR race cars.

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT NO. 51: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Related Agency, Broadcasting Board of Governors, International Broadcasting Operations'' shall be available for Radio and Television Marti, and the amount otherwise provided under such heading is hereby reduced by $30,474,000.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT NO. 52: Page 216, line 23, after the dollar amount insert ''(increased by $586,600,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $586,600,000)''.

H.R. 1

OFFERED BY: MR. PAUL

AMENDMENT NO. 53: Strike section 2114 of the bill.

H.R. 1

OFFERED BY: MR. FLEMING

AMENDMENT NO. 54: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to—

(1) finalize the proposed rule entitled ''Rescission of the Regulation Entitled 'Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law' '' published in the Federal Register on March 10, 2009 (74 Fed. Reg. 10207); or

(2) otherwise rescind or modify any provision of part 88 of subtitle A of title 45, Code of Federal Regulations.

H.R. 1

OFFERED BY: MR. FLEMING

AMENDMENT NO. 55: At the end of the bill (before the short title), insert the following:

SEC. ____. The unobligated balance of funds made available by section 1005(b) of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 42 U.S.C. 18121(b)) is hereby rescinded.

H.R. 1

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 56: At the end of division A of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of seamless copper-nickel tubing, 4 inches and larger in outside diameter, used for shipboard pipe systems, that satisfies MIL–T–16420k unless the tubing is manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section substantially all of the components of seamless copper-nickel tubing, 4 inches and larger in outside diameter, used for shipboard pipe systems shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

H.R. 1

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 57: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to enter into a contract with a firm that engages in unfair trade practices as defined in subpart 9.4 of the Federal Acquisition Regulation, and any such firm shall be debarred from contracting with the Federal Government.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 58: At the end of the bill (before the short title), insert the following:

SEC.____. The amount otherwise made available by this Act for the Office of the Secretary of the Department of Housing and Urban Development is hereby reduced to $0.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 59: At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to pay the travel expenses of the Secretary of Housing and Urban Development.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 60: At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise made available by this Act for ''Department of Housing and Urban Development, Management and Administration—Executive Direction'' for official reception and representation expenses of the Office of the Secretary is hereby reduced to $0.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 61: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay the travel expenses of the Secretary of the Treasury.

The amounts made available under this Act for travel shall instead be used for the purpose of educating the Administration's staff on the fundamentals of housing policy and its impact on the national economy.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 62: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay the official reception and representation expenses of the Secretary of the Treasury.

The amounts made available under this Act for official reception and representation shall instead be used for the purpose of educating the Administration's staff on the fundamentals of housing policy and its impact on the national economy.

H.R. 1

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 63: Page 23, line 12, after the dollar amount, insert ''(reduced by $21,985,000)''.

Page 28, line 20, after the dollar amount, insert ''(reduced by $393,098,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $415,083,000)''.

H.R. 1

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT NO. 64: Page 357, after line 22, insert the following new section:

SEC. 2239. CLEAN ENERGY STANDARDS.

Not later than 60 days after the date of the enactment of this Act, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall adopt standards consistent with the Property Assessed Clean Energy (PACE) program of the Department of Energy. Such Association and Corporation shall issue guidance under which loans secured by property tax assessments consistent with such standards shall be considered to comply with the Uniform Instruments of such Association and Corporation, shall not be considered to constitute a default on an existing mortgage for a property with such a loan, and shall not require the borrower under the loan to pay off the assessment, except in the event that the assessment is delinquent, in order to refinance or transfer the property that is the subject of the loan. Lending standards of the Federal Housing Finance Agency, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation shall not discriminate against communities implementing or participating in a Property Assessed Clean Energy program.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 65: Page 276, line 11, insert ", except for expenditures that the Administrator of the Environmental Protection Agency determines to be necessary to protect the public health or prevent severe environmental degradation" after "climate change".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 66: Page 276, line 8, insert "or other authorities under the Clean Air Act that the Administrator of the Environmental Protection Agency determines to be necessary to protect the public health or prevent severe environmental degradation" after "Clean Air Act".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 67: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 68: Page 357, beginning on line 25, strike "February 11, 2011" and insert "September 30, 2011".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 69: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for the creation of jobs.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 70: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for the TIGER TIFIA Grant Program of the Department of Transportation.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 71: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enforce section 75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT NO. 72: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for doctoral dissertation research grants authorized under title V of the Housing and Urban Development Act of 1970.

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT NO. 73: Page 321, line 9, after the dollar amount, insert "(reduced by $10,716,000)".

Page 359, line 20, after the dollar amount, insert "(increased by $10,716,000)".

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT NO. 74: Page 228, line 12, after "more than" insert the following: "a total of".

Page 228, line 13, after "Protection" insert the following: "and the Secretary of the Treasury".

Page 228, line 16, after "fiscal year 2011," insert the following: "the Secretary of the Treasury and".

Page 228, line 17, after "than" insert the following: "a total of".

Page 228, after line 18, insert the following new subsection:

(c) Notwithstanding any other provision of law, beginning on October 1, 2011, and thereafter, the Bureau of Consumer Financial Protection may not expend or obligate any funds authorized or made available by section 1017 of Public Law 111-203 unless the expenditure or obligation is included or approved in advance in an appropriation Act.

H.R. 1

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 75: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the roundups and removals of free-roaming wild horses and burros, unless for the purpose of fertility control.

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT NO. 76: Page 321, line 7, after the dollar amount, insert "(reduced by $17,676,000)".

Page 359, line 20, after the dollar amount, insert "(increased by $17,676,000)".

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT NO. 77: At the end of the bill (before the short title), insert the following:

SEC. _____. Notwithstanding any other provision of law—

(1) of the amounts made available to the General Services Administration by this Act for the acquisition of new vehicles for the Federal fleet for fiscal year 2011 and remaining unobligated as of the date of enactment of this Act, an amount equal to 20 percent of all such amounts is rescinded;

(2) for fiscal year 2012 and each fiscal year thereafter—

(A) the amount made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet shall not exceed an amount equal to 80 percent of the amount made available for the acquisition of those vehicles for fiscal year 2011 (before application of paragraph (1)); and

(B) the number of new vehicles acquired by the General Services Administration for the Federal fleet shall not exceed a number equal to 50 percent of the vehicles so acquired for fiscal year 2011; and

(3) any amounts made available under Public Law 111-5 for the acquisition of new vehicles for the Federal fleet shall be disregarded for purposes of determining the baseline.

H.R. 1

OFFERED BY: MR. OLSON

AMENDMENT NO. 78: Page 205, line 25, after the dollar amount insert "(reduced by $517,000,000) (increased by $517,000,000)".

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT NO. 79: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services who develops or promulgates regulations or guidance with regard to Exchanges under subtitle D of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18021 et seq.).

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT NO. 80: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for first-class or business-class airfare for Federal employees for domestic travel.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT NO. 81: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise made available by this Act for expenses of official travel (within the meaning of chapter I of chapter 57 of title 5, United States Code) are hereby reduced by 50 percent.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT NO. 82: At the end of the bill (before the short title), insert the following:

SEC. ____. The unobligated balance of funds made available by section 1005(b) of the Health Care and Education Reconciliation Act of 2010 (42 U.S.C. 18121(b)) is rescinded.

H.R. 1

OFFERED BY: MRS. EMERSON

AMENDMENT NO. 83: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement or enforce section 5000A of the Internal Revenue Code of 1986, section 6055 of such Code, section 1502(c) of the Patient Protection and Affordable Care Act, or any amendments made by section 1502(b) of such Act.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 84: On page 273, line 6, insert "(reduced by $8,458,000)" after the aggregate dollar amount.

On page 359, line 13, insert "(increased by $8,458,000)" after the dollar amount.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 85: Page 277, line 3, after the dollar amount, insert "(reduced by $7,400,000)".

Page 359, line 13, after the first dollar amount, insert "(increased by $7,400,000)".

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 86: Page 32, line 21, after the dollar amount, insert "(reduced by $3,200,000)".

Page 33, line 9, after the dollar amount, insert ''(reduced by $36,320,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $115,520,000)''.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 87: Page 22, line 18, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 22, line 20, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 27, line 9, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 27, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 31, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 31, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 32, line 9, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 32, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 33, line 9, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $124,200,000)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $3,200,000)''.

Page 34, line 19, after the dollar amount, insert ''(reduced by $3,200,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $502,400,000)''.

H.R. 1

OFFERED BY: MR. KIND

AMENDMENT NO. 88: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

(1) Expeditionary Fighting Vehicle.

(2) Surface-Launched Advanced Medium-Range Air-to-Air Missile program.

H.R. 1

OFFERED BY: MR. KIND

AMENDMENT NO. 89: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to provide payments (or to pay the salaries and expenses of personnel to provide payments) to the Brazil Cotton Institute.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 90: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the storage of nuclear waste at the Yucca Mountain nuclear waste repository.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 91: Page 214, line 11, strike ''closure of''.

Page 214, lines 14 and 15, strike ''until the Commission reverses ASLB decision LBP–10–11''.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 92: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906, (commonly known as the ''Antiquities Act of 1906''; 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMEMDMENT NO. 93: Page 174, line 17, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 347, strike lines 8 through 10.

H.R. 1

OFFERED BY: MR. SULLIVAN

AMENDMENT NO. 94: At the end of the bill (before the short title), insert the following:

SEC. ____. No funds made available by this Act may be used to implement—

(1) the decision of the Administrator of the Environmental Protection Agency entitled ''Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent'' published in the Federal Register on November 4, 2010 (75 Fed. Reg. 68093 et seq.); or

(2) the decision of the Administrator of the Environmental Protection Agency entitled ''Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent'' published in the Federal Register on January 26, 2011 (76 Fed. Reg. 4662 et seq.).

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT NO. 95: Page 127, line 23, after the dollar amount, insert ''(reduced by $400,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $400,000,000)''.

H.R. 1

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 96: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for ''National Aeronautics and Space Administration, Exploration''.

H.R. 1

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 97: Page 172, line 25, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 8, after the first dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 14, after the dollar amount, insert ''(reduced by $5,000,000)''.

H.R. 1

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 98: Page 243, line 7, after the dollar amount, insert ''(reduced by $24,032,000)''.

Page 359, line 10, after the dollar amount, insert ''(increased by $24,032,000)''.

H.R. 1

OFFERED BY: MR. MCDERMOTT

AMENDMENT NO. 99: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to plan for, begin, continue, finish, process, or approve the relocation of the National Oceanic and Atmospheric Administration's Marine Operations Center-Pacific from Seattle, Washington, to Newport, Oregon.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 100: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 101: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 102: Page 195, line 6, strike ''in excess of $112,000,000''.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 103: Page 220, line 18, after the dollar amount, insert ''(increased by $14,900,000)''.

H.R. 1

OFFERED BY: MR. JORDAN

AMENDMENT NO. 104: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Each amount made available by the following provisions of division B of this Act (other than an amount required to be made available by a provision of law) is hereby reduced by the following percentage:

(1) Section 1101(a)(5) and title IX, 11 percent.

(2) All other provisions of such division (except as provided by subsection (b)), 5.5 percent.

(b) Subsection (a) shall not apply to amounts made available—

(1) by section 1101(a)(3) and title VI;

(2) by section 1101(a)(6) (with respect to division E of Public Law 111–117) and title X; and

(3) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111–117) and title XI.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT NO. 105: Page 244, line 21, after the dollar amount, insert ''(reduced by $18,400,000)''.

Page 244, line 22, after the dollar amount, insert ''(reduced by $18,400,000)''.

Page 247, line 1, after the dollar amount, insert ''(reduced by $33,920,000)''.

Page 247, line 4, after the first dollar amount, insert ''(reduced by $33,920,000)''.

Page 247, line 5, after the first dollar amount, insert ''(reduced by $33,920,000)''.

Page 247, line 10, after the first dollar amount, insert ''(reduced by $33,920,000)''.

Page 248, line 25, after the dollar amount, insert ''(reduced by $6,269,000)''.

Page 253, line 12, after the first dollar amount, insert ''(increased by $90,000,000)''.

Page 253, line 14, after the dollar amount, insert ''(increased by $90,000,000)''.

Page 254, line 21, after the dollar amount, insert ''(reduced by $1,411,000)''.

Page 255, line 4, after the first dollar amount, insert ''(reduced by $10,000,000)''.

Page 256, line 10, after the dollar amount, insert ''(reduced by $20,000,000)''.

H.R. 1

OFFERED BY: MR. WOLF

AMENDMENT NO. 106: At the end of title XI of division B of the bill (State, Foreign Operations, and Related Programs), insert the following new section:

SEC. ____. (a) There is hereby established the Afghanistan-Pakistan Study Group (in this section referred to as the ''Group''). To the maximum extent practicable, the Group shall be modeled on the Iraq Study Group.

(b) The Group shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as a co-chair of the Group;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as a co-chair of the Group;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(c)(1) Not more than 5 members of the Group shall be from the same political party. An individual appointed to the Group may not be a full-time officer or employee of the Federal Government or any State or local government.

(2) It is the sense of Congress that individuals appointed to the Group should be prominent United States citizens, with national recognition and significant depth of experience in such professions as diplomacy, the armed services, governmental service, law, intelligence gathering, and foreign affairs.

(d) The Group shall conduct a comprehensive assessment of the situation in Afghanistan and Pakistan, its impact on the surrounding region, and its consequences for United States interests. Not later than 3 months after the date of the enactment of this Act, the Group shall submit to Congress a report on the assessment conducted under this subsection, including relevant policy recommendations relating thereto.

(e) Of the amounts provided under the heading ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', $1,000,000 shall be made available to the United States Institute of Peace to carry out this section.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT NO. 107: Page 291, line 11, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 293, line 4, after the dollar amount insert ''(increased by $50,000,000)''.

Page 293, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

H.R. 1

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 108: Page 306, line 11, insert after the dollar amount the following: ''(reduced by $1,500,000)''.

Page 359, line 16, insert after the dollar amount the following: ''(increased by $1,500,000)''.

H.R. 1

OFFERED BY: MR. GRIFFITH OF VIRGINIA

AMENDMENT NO. 109: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in—

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ''Enhanced Surface Coal Mining Pending Permit Coordination Procedures'', dated June 11, 2009; or

(2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled ''Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order'', dated April 1, 2010.

H.R. 1

OFFERED BY: MR. DUNCAN OF SOUTH CAROLINA

AMENDMENT NO. 110: Page 208, line 14, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

Page 208, line 15, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 111: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 293, line 4, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 112: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 354, line 6, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 113: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 202, line 16, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 114: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 220, line 21, after the dollar amount, insert ''(increased by $18,000,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 115: Page 321, line 7, after the dollar amount, insert ''(reduced by $42,676,000)''.

Page 286, line 2, after the dollar amount, insert ''(increased by $42,676,000)''.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 116: Page 215, line 15, before the dollar amount, insert ''($16,000,000 is rescinded)''.

Page 220, line 19, after the dollar amount, insert ''($17,000,000 is rescinded)''.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 117: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the General Services Administration for the construction or lease of buildings or space in the District of Columbia for any branch of the United States Government or any entity within such branch unless a contract for the construction or lease was entered into before the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 118: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the General Services Administration for the construction or lease of buildings or space in the District of Columbia for any branch of the United States Government or any entity within such branch.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 119: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out any program under, promulgate any regulation pursuant to, or defend against any lawsuit challenging any provision of, Public Law 111–148, title I of Public Law 111–152, or subtitle B of title II of Public Law 111–152, or any amendments made by Public Law 111–148, title I of Public Law 111–152, or subtitle B of title II of Public Law 111–152.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 120: At the end of the bill (before the short title), insert the following:

SEC. ____. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT OPPOSE THE POSITION OF THE UNITED STATES IN THE UNITED NATIONS.

(a) PROHIBITION.—Any United States assistance made available by this Act may not be provided to a country that opposed the position of the United States in the United Nations.

(b) EXEMPTION DUE TO CHANGE IN GOVERNMENT.—

(1) IN GENERAL.—The Secretary of State may exempt a country from the prohibition described in subsection (a) if the Secretary determines that since the beginning of the most recent session of the General Assembly—

(A) there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in such subsection applies; and

(B) as a result of such change, the government of such country will no longer oppose the position of the United States in the United Nations.

(2) DURATION OF EXEMPTION.—An exemption under paragraph (1) shall be effective only until submission of the next report required under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a) that is submitted after the Secretary makes such an exemption.

(3) NOTIFICATION AND DISCUSSION.—The Secretary shall notify Congress with respect to an exemption made under paragraph (1), together with a discussion of the basis for the Secretary's determination with respect to each such exemption.

(c) EXEMPTION FOR NATIONAL SECURITY INTERESTS.—The President may exempt a country from the prohibition described in subsection (a) if the President determines that such exemption is in the national security interests of the United States and submits to Congress a written statement explaining such national security interest.

(d) DEFINITIONS.—As used in this section—

(1) the term ''opposed the position of the United States'' means, in the case of a country, that the country's recorded votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country's recorded votes both in the Security Council and the General Assembly during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for this purpose a comparison of the recorded vote cast by each member country with the recorded vote cast by the United States, as described in the annual report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term ''most recent session of the General Assembly'' means the most recently completed plenary session of the General Assembly for which a comparison of the vote cast by each member country with the vote cast by the United States is described in the most recent report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term ''United States assistance'' means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund);

(B) chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.; relating to international military education and training);

(C) the ''Foreign Military Financing Program'' account under section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(D) any other monetary or physical assistance.

(e) EFFECTIVE DATE.—This section shall take effect upon the date of the submission to Congress of the report required under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 2011.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT NO. 121: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used, directly or indirectly, to develop, establish, implement, continue, promote, or in any way permit or approve a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act without approval by Congress.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT NO. 122: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used, directly or indirectly, to develop, establish, implement, continue, promote, or in any way permit or approve a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT NO. 123: Page 201, line 12, insert '': *Provided*, That no less than $710,614,000 shall be available for 'National Weather Service Local Warnings and Forecasts' and no less than $79,525,000 shall be available for 'National Weather Service Central Forecast Guidance' '' before the period.

H.R. 1

OFFERED BY: MS. ROYBAL-ALLARD

AMENDMENT NO. 124: Page 287, line 12, after the dollar amount, insert ''(reduced by $250,000) (increased by $250,000)''.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 125: Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,00)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,00)''.

Page 206, line 10, after the dollar amount, insert ''(reduced by $298,000,000)''.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 126: At the end of the bill (before the short title), insert the following:

SEC. II. None of the funds made available by this Act may be used to provide assistance to Saudi Arabia.

SEC. II. None of the funds made available by this Act for ''International Military Education and Training'' may be used for assistance for Saudi Arabia.

SEC. II. None of the funds made available by this Act for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' may be used for assistance for Saudi Arabia.

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 127: At the end of the bill (before the short title), insert the following:

SEC. ____. Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—

(1) in the first sentence, by striking '', Arctic''; and

(2) in the fourth sentence, by inserting ''and this Act'' before the period at the end.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 128: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide assistance to the Russian Federation, other than assistance provided to the following program areas: combating weapons of mass destruction, stabilization operations and security sector reform, counter-narcotics, transnational crime, conflict mitigation and reconciliation, rule of law and human rights, good governance, political competition and consenses-building, and civil society.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 129: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide assistance to the People's Republic of China, other than assistance provided to the ''Rule of Law and Human Rights'' program area.

H.R. 1

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 130: Page 354, strike the proviso beginning on line 11.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 131: Page 170, line 12, after the dollar amount, insert the following: ''(reduced by $5,200,000)''.

Page 171, line 6, after the dollar amount, insert the following: ''(increased by $200,000)''.

Page 172, line 25, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 173, line 7, after '' '3,054,000';'' by striking ''by substituting '$0' for '$5,000,000';''.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT NO. 132: Page 301, line 16, strike ''$4,015'' and insert ''$5,500''.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT NO. 133: Page 234, line 9, after the dollar amount, insert ''(increased by $5,585,000)''.

Page 234, line 11, after the dollar amount, insert ''(reduced by $5,585,000)''.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 134: Under Section 1628, Page 252, line 8, strike all after ''$9,500,000'' through line 9 until the words ''in paragraph''.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 135: Strike section 2122(e)(2) of the bill and insert the following:

(2) In determining eligibility for funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs for population planning activities or other population assistance, foreign nongovernmental organizations—

(A) shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(B) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of the Foreign Assistance Act of 1961.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 136: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to make any Government contribution with respect to a health benefit plan under chapter 89 of title 5, United States Code, of a Member of the House of Representatives who does not notify the Clerk of the House of Representatives during the 30-day period that begins on the date of the enactment of this Act that the Member elects to be covered under the plan.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 137: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to compel individuals who exceeded the initial prescription drug coverage limit of the Medicare Part D program to return any of the payments made under section 1860D–42(c) of the Social Security Act (42 U.S.C. 1395w–152(c)), as added by section 1101(a)(1) of Public Law 111–152.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 138: Strike the first proviso in section 2122(e)(1) of the bill.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 139: Strike section 2122(e)(2) of the bill.

H.R. 1

OFFERED BY: MR. BRALEY OF IOWA

AMENDMENT NO. 140: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act to any office of the legislative branch may be used for the procurement of an item that is not grown, reprocessed, reused, or produced in the United States, under the same terms and conditions applicable under section 2533a of title 10, United States Code, to funds made available by this Act to the Department of Defense.

H.R. 1

OFFERED BY: MR. STARK

AMENDMENT NO. 141: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by division A of this Act for any account of the Department of Defense (other

than accounts listed in subsection (b)) may be used in excess of the amount made available for such account for fiscal year 2008.

(b) The accounts exempted pursuant to this subsection are the following accounts in division A:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

H.R. 1

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 142: Strike the first and second provisos under section 2122(e)(1) of the bill.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 143:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the ''Department of the Treasury, Internal Revenue Service, Enforcement'', by $30,000,000, and on page 228, strike lines 10 through 18.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 144: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available in this Act may be used to implement the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343).

H.R. 1

OFFERED BY: MR. FORBES

AMENDMENT NO. 145: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to take any action to effect or implement the disestablishment, closure, or realignment of the United States Joint Forces Command.

H.R. 1

OFFERED BY: MR. FORBES

AMENDMENT NO. 146: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act for Department of Defense, Operation and Maintenance, Defense-wide may be used for official representation purposes, as defined by Department of Defense Instruction 7250.13, dated June 30, 2009.

H.R. 1

OFFERED BY: MR. POSEY

AMENDMENT NO. 147: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement or enforce the proposed amendments to Treasury Regulations sections 1.6049–4, 1.6049–5, 1.6049–6, 1.6049–8, and 31.3406(g)–1, as set forth in the Notice of Proposed Rulemaking published in the Federal Register on January 7, 2011 (76 Fed. Reg. 1105), and corrected on January 18, 2011 (76 Fed. Reg. 2852).

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 148: ''For the Alaska Native Educational Equity Act'' shall be $33,300,000.

Title VI. Strike Sec. 1617 and insert the following:

SEC. 1617. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'' shall be $955,338,000. *Provided*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for intelligence and international programs shall be no less than the level provided for such purposes for fiscal year 2010. *Provided further*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for headquarters administration and information technology shall not exceed $671,939,000.

H.R. 1

OFFERED BY: MR. LUETKEMEYER

AMENDMENT NO. 149: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for contributions to the Intergovernmental Panel on Climate Change (IPCC).

H.R. 1

OFFERED BY: MR. NEUGEBAUER

AMENDMENT NO. 150: Page 229, line 6, after the dollar amount, insert ''(reduced by $2,005,000)''.

Page 359, line 10, after the dollar amount, insert ''(increased by $2,005,000)''.

H.R. 1

OFFERED BY: MR. NEUGEBAUER

AMENDMENT NO. 151: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for repair, alteration, or improvement of the Executive Residence at the White House.

H.R. 1

OFFERED BY: MS. JENKINS

AMENDMENT NO. 152: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to remove (or to require the removal) at any former Army ammunition plant closed under the base closure process of pesticides that were applied in compliance with laws at the time of application and of polychlorinated biphenyls to an extent beyond that required by law.

H.R. 1

OFFERED BY: MR. MICHAUD

AMENDMENT NO. 153: Page 196, line 18, after the dollar amount insert ''(increased by $80,000,000)''.

Page 199, line 6, after the dollar amount insert ''(reduced by $80,000,000)''.

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT NO. 154: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to carry out paragraph (11) of section 101 of Public Law 111–226 (124 Stat. 2389).

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT NO. 155: At the end of Title VIII—Labor, Health and Human Service Education, and Related Agencies (before the short title), insert the following:

SEC. ____. Section 101 of Public Law 111–226 (124 Stat. 2389) is amended by striking paragraph (11).

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT NO. 156: At the end of the bill (before the short title), insert the following:

SEC. ____. Section 101 of Public Law 111–226 (124 Stat. 2389) is amended by striking paragraph (11).

H.R. 1

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 157: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement or enforce the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. KINZINGER OF ILLINOIS

AMENDMENT NO. 158: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

H.R. 1

OFFERED BY: MR. LANKFORD

AMENDMENT NO. 159: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the American Community Survey.

H.R. 1

OFFERED BY MR. MARKEY

AMENDMENT NO. 60: Page 293, line 4, after the dollar amount insert ''(increased by $390,328,000)''.

Page 293, line 8, after the dollar amount insert ''(increased by $390,328,000)''.

At the end of the bill, before the short title, insert the following new sections:

SEC. 4002. SHORT TITLE.

This Act may be cited as the ''End Big Oil Tax Subsidies Act of 2011''.

SEC. 4003. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by striking ''major integrated oil company'' and inserting ''covered large oil company''.

(b) COVERED LARGE OIL COMPANY.—Paragraph (5) of section 167(h) of such Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) COVERED LARGE OIL COMPANY.—For purposes of this paragraph, the term 'covered large oil company' means a taxpayer which—

''(i) is a major integrated oil company, or

''(ii) has gross receipts in excess of $50,000,000 for the taxable year.

For purposes of clause (ii), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(c) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 167(h) of such Code is amended by inserting ''AND OTHER LARGE TAXPAYERS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4004. PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Section 45I of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits determined for taxable years beginning after December 31, 2011.

SEC. 4005. ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4006. INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is not a small, independent oil and gas company, determined by deeming all persons treated as a single employer under subsections (a) and (b) of section 52 as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4007. PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—This section and section 611 shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) CONFORMING AMENDMENT.—Section 613A(c)(1) of such Code is amended by striking ''subsection (d)'' and inserting ''subsections (d) and (f)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4008. TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) EXCEPTION FOR QUALIFIED CARBON DIOXIDE DISPOSED IN SECURE GEOLOGICAL STORAGE.—Paragraph (1) shall not apply in the case of any qualified tertiary injectant expense paid or incurred for any tertiary injectant is qualified carbon dioxide (as defined in section 45Q(b)) which is disposed of by the taxpayer in secure geological storage (as defined by section 45Q(d)).

''(3) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after December 31, 2011.

SEC. 4009. PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

SEC. 4010. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Section 199 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—Subsection (a) shall not apply to the income derived from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof by any taxpayer which for the taxable year is an oil and gas company which is not a small, independent oil and gas company.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4011. PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)) may not use the method provided in subsection (b) in inventorying of any goods.''.

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

SEC. 4012. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2011.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 161: Page 23, line 12, after the dollar amount, insert ''(reduced by $1,083,333,333.33)''.

Page 28, line 20, after the dollar amount, insert ''(reduced by $216,666,666.67)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $1,300,000,000)''.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 162: Page 33, line 9, after the dollar amount, insert ''(reduced by $971,099,800)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $1,796,130,300)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $2,674,240,500)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $2,079,741,200)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $7,521,211,800)''.

H.R. 1

OFFERED BY: MR. MULVANEY

AMENDMENT NO. 163: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for any account (other than an account of the Department of Defense, Homeland Security, or Veterans Affairs) may be used in excess of the amount available for such account during fiscal year 2006.

H.R. 1

OFFERED BY: MR. MULVANEY

AMENDMENT NO. 164: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act for any account may be used in excess of the amount available for such account during fiscal year 2006.

(b) Subsection (a) shall not apply to funds made available—

(1) by division A;

(2) by section 1101(a)(3) and title VI of division B;

(3) by section 1101(a)(6) (with respect to division E of Public Law 111–117) and title X of division B; or

(4) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111–117) and title XI of division B.

H.R. 1

OFFERED BY: MR. CARTER

AMENDMENT NO. 165: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ''National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'' published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.).

H.R. 1

OFFERED BY: MR. GUINTA

AMENDMENT NO. 166: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enter into, after the date of the enactment of this Act, a Government contract that requires a project labor agreement.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT NO. 167: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the Constellation Systems Program of the National Aeronautics and Space Administration.

H.R. 1

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT NO. 168: Page 33, line 16, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $450,000,000)''.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 169: At the end of the bill (before the short title) insert the following new section:

SEC. ____. Each amount of discretionary budget authority for the Elementary and Secondary Education program of the National Science Foundation made available by this Act is hereby reduced to $0.

H.R. 1

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 170: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used by the Department of Defense to conduct military operations in Afghanistan during fiscal year 2011 unless the funds were fully offset by reductions in other spending accounts.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 171: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act for any civilian agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 172: At the end of the bill (before the short title), insert the following:

SEC. ____. The total amount of appropriations made available by this Act (other than for the Departments of Defense and Homeland Security) is hereby reduced by $600,000,000, to be derived from amounts provided for nonessential travel.

H.R. 1

OFFERED BY: MR. COHEN

AMENDMENT NO. 173: Page 208, line 14, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

Page 208, line 15, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 174: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the Yucca Mountain Nuclear Waste Repository.

H.R. 1

OFFERED BY: MR. WATERS

AMENDMENT NO. 175: Page 354, beginning on line 6, strike ''That the funds'' and all that follows through '': Provided further,''.

H.R. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 176: Page 232, beginning on line 3, strike section 1536.

H.R. 1

OFFERED BY: MR. HERGER

AMENDMENT NO. 177: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Agriculture to implement or enforce Subpart B of the Travel Management Rule (subpart B of part 212 of title 36, Code of Federal Regulations), relating to the designation of roads, trails, and areas for motor vehicle use, in any administrative unit of the National Forest System.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 178: Page 33, line 22, insert before the period at the end the following:

: *Provided further*, That, of the funds appropriated in this paragraph, $222,265,000 is only for the Expeditionary Fighting Vehicle program for the following system development and demonstration activities during fiscal year 2011: such activities that do not increase the price or materially change the scope of existing contracts; such activities that finish fiscal year 2011 test and demonstration events that are currently on-contract; and such activities that provide test data and information to the Department of Defense to support any future amphibious assault vehicle acquisitions for the Marine Corps

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 179: Page 33, line 22, insert before the period at the end the following:

: *Provided further*, That, of the funds appropriated in this paragraph, $222,265,000 is only for system development and demonstration of the Expeditionary Fighting Vehicle

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 180: Page 326, line 4, after the dollar amount, insert ''(reduced by $32,020,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $32,020,000)''.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 181: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for carrying out the programs authorized by the amendments made to the Energy Policy and Conservation Act by subtitle B of title III of the Energy Independence and Security Act of 2007.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 182: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to establish or implement any requirement that individuals receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 183: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the amendments to title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) made by section 2303 of Public Law 111-148.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 184: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 185: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out subsection (a) or (c) of section 7131 of title 5, United States Code.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 186: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by any agency of the Federal Government for any exercise of the power of eminent domain without the payment of just compensation.

H.R. 1

OFFERED BY: MR. CRITZ

AMENDMENT NO. 187: Page 286, line 11, after the second dollar amount, insert ''(reduced by $1,000,000)''.

Page 286, line 20, after the first dollar amount, insert ''(increased by $1,000,000)''.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 188: Page 246, line 14, strike ''fewer'' and insert ''more''.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 189: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

(1) Expeditionary Fighting Vehicle.

(2) V–22 Osprey aircraft.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 190: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure the V–22 Osprey aircraft.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 191: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure the Expeditionary Fighting Vehicle.

H.R. 1

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 192: Page 213, line 19, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT NO. 193: Page 264, line 3, after the dollar amount, insert ''(reduced by $2,750,000)''.

Page 264, line 4, after the dollar amount, insert ''(reduced by $2,250,000)''.

Page 264, line 23, after the dollar amount, insert ''(reduced by $15,055,000)''.

Page 264, line 24, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 278, line 3, after the dollar amount, insert ''(reduced by $9,100,000)''.

Page 278, line 4, after the dollar amount, insert ''(reduced by $3,400,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $35,055,000)''.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT NO. 194: Page 266, strike line 12 and insert ''on February 27, 2008 (73 Fed. Reg. 10514 et seq.) without''.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT NO. 195: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code.

H.R. 1

OFFERED BY: MR. WALBERG

AMENDMENT NO. 196: Page 281, line 21, insert ''(reduced by $20,594,000)'' after the dollar amount.

Page 359, line 13, insert ''(increased by $20,594,000)'' before the period at the end.

H.R. 1

OFFERED BY: MR. WALBERG

AMENDMENT NO. 197: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for salaries and expenses of the ''Green the Capitol Office'' of the Office of the Chief Administrative Officer of the House of Representatives.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 198: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce—

(1) a cap-and-trade program; or

(2) any statutory or regulatory requirement pertaining to emissions of one or more greenhouse gases from stationary sources that is issued or becomes applicable or effective after January 1, 2011, including—

(A) any such requirement under section 111 of the Clean Air Act (42 U.S.C. 7411) or part C of title I of such Act (42 U.S.C. 7470 et seq.); and

(B) any such permitting requirement under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) In this section:

(1) The term ''cap-and-trade program'' means any regulatory program established after the date of enactment of this Act that provides for the sale, auction, or other distribution of a limited amount of allowances that permit the emission of one or more greenhouse gases.

(2) The term ''greenhouse gas'' includes, with respect to a cap-and-trade program under subsection (a)(1) or a requirement under subsection (a)(2), any of the following:

(A) Carbon dioxide.

(B) Methane.

(C) Nitrous oxide.

(D) Sulfur hexafluoride.

(E) Hydrofluorocarbons.

(F) Perfluorocarbons.

(G) Any other anthropogenic gas designated as a greenhouse gas for purposes of such cap-and-trade program or such requirement.

(3) The term ''stationary source'' has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 199: At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act may be used by the Department of Justice, or any other Agency, to litigate the continuation of the case *United States of America v. The State of Arizona and Janice K. Brewer* regarding Arizona law S.B. 1070.

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT NO. 200: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Center for Consumer Information and Insurance Oversight in the Department of Health and Human Services.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT NO. 201: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Environmental Protection Agency—

(1) to finalize the proposed rule entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'' published by the Environmental Protection Agency on June 4, 2010 (75 Fed. Reg. 32006 et seq.); or

(2) to implement or enforce any finalized version of such rule.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT NO. 202: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the Council on Environmental Quality.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT NO. 203: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906 (commonly known as the ''Antiquities Act of 1906''; 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. SCALISE

AMENDMENT NO. 204: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions and their offices:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Special Envoy for Climate Change.

(4) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.

(5) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(6) White House Director of Urban Affairs.

(7) Special Envoy to oversee the closure of the Detention Center at Guantanamo Bay.

(8) Special Master for TARP Executive Compensation, Department of the Treasury.

(9) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT NO. 205: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to advocate for, promote, develop, or approve a limited access privilege program (as that term is used in section 303A the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) for any fishery under the jurisdiction of any Regional Fishery Management Council.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT NO. 206: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for foreign travel by any employee of the National Oceanic and Atmospheric Administration Office of Law Enforcement.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT NO. 207: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to make payments under subsection (e)(1) of section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) for services of Administrative Law Judges to adjudicate cases brought under such section.

H.R. 1

OFFERED BY: MR. COLE

AMENDMENT NO. 208: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT NO. 209: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay salary to any Federal employee for time used by that employee for or on behalf of a labor organization as described in section subsection (a) or (c) of section 7131 of title 5, United States Code.

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT NO. 210: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement any increase in the rate of salary or basic pay for any office or position within the Federal Government.

H.R. 1

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT NO. 211: At the end of the bill (before the short title), insert the following:

SEC. ____. For ''Department of Justice, Office of Justice Programs, Justice Assistance'' for an additional amount to amounts otherwise made available by this Act for carrying out title I of the PROTECT Our Children Act of 2008, as authorized by section 107 of such Act (Public Law 110-401), there is hereby appropriated, and the amount made available by this Act for ''Department of Justice, Office of Justice Programs, Justice Assistance'' is hereby reduced by, $30,000,000.

H.R. 1

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT NO. 212: Page 202, line 6, after the dollar amount, insert ''(reduced by $30,000,000) (increased by $30,000,000)''.

H.R. 1

OFFERED BY: MR. MARKEY

AMENDMENT NO. 213: Page 290, line 13, after the dollar amount, insert ''(reduced by $1,569,600,000)''.

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

TITLE ____—END BIG OIL TAX SUBSIDIES

SHORT TITLE

SEC. ____.

This title may be cited as the ''End Big Oil Tax Subsidies Act of 2011''.

AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES

SEC. ____.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by striking ''major integrated oil company'' and inserting ''covered large oil company''.

(b) COVERED LARGE OIL COMPANY.—Paragraph (5) of section 167(h) of such Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) COVERED LARGE OIL COMPANY.—For purposes of this paragraph, the term 'covered large oil company' means a taxpayer which—

''(i) is a major integrated oil company, or

''(ii) has gross receipts in excess of $50,000,000 for the taxable year.

For purposes of clause (ii), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(c) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 167(h) of such Code is amended by inserting ''AND OTHER LARGE TAXPAYERS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

PRODUCING OIL AND GAS FROM MARGINAL WELLS

SEC. ____.

(a) IN GENERAL.—Section 45I of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits determined for taxable years beginning after December 31, 2011.

ENHANCED OIL RECOVERY CREDIT

SEC. ____.

(a) IN GENERAL.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) Exception for Taxpayer Who Is Not Small, Independent Oil and Gas Company—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS

SEC. ____.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is not a small, independent oil and gas company, determined by deeming all persons treated as a single employer under subsections (a) and (b) of section 52 as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

PERCENTAGE DEPLETION

SEC. ____.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—This section and section 611 shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) CONFORMING AMENDMENT.— Section 613A(c)(1) of such Code is amended by striking ''subsection (d)'' and inserting ''subsections (d) and (f)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

TERTIARY INJECTANTS

SEC. ____.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(2) EXCEPTION FOR QUALIFIED CARBON DIOXIDE DISPOSED IN SECURE GEOLOGICAL STORAGE.—Paragraph (1) shall not apply in the case of any qualified tertiary injectant expense paid or incurred for any tertiary injectant is qualified carbon dioxide (as defined in section 45Q(b)) which is disposed of by the taxpayer in secure geological storage (as defined by section 45Q(d)).

''(3) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after December 31, 2011.

PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED

SEC. ____.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES

SEC. ____.

(a) IN GENERAL.—Section 199 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—Subsection (a) shall not apply to the income derived from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof by any taxpayer which for the taxable year is an oil and gas company which is not a small, independent oil and gas company.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES

SEC. ____.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)) may not use the method provided in subsection (b) in inventorying of any goods.''.

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS

SEC. ____.

(a) IN GENERAL—. Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with

regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2011.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

H.R. 1

OFFERED BY: MR. KLINE

AMENDMENT NO. 214: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce the final regulations on ''Program Integrity: Gainful Employment—New Programs'' published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on ''Program Integrity: Gainful Employment'' published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term ''gainful employment'' under the Higher Education Act of 1965 on or after the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. UPTON

AMENDMENT NO. 215: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act'' published by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services in the Federal Register on June 17, 2010 (75 Fed. Reg. 34537 et seq.).

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT NO. 216: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)).

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT NO. 217: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT NO. 218: Page 226, line 7, after the dollar amount, insert ''(increased by $1,300,000)''.

Page 227, line 9, after the dollar amount, insert ''(reduced by $1,300,000)''.

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT NO. 219: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior or supporting environmental impact statements, other than to implement such Office's 2008 final regulations published December 12, 2008 (73 Fed. Reg. 75,814–75,885).

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT NO. 220: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior, other than to implement such Office's 2008 final regulations published December 12, 2008 (73 Fed. Reg. 75,814–75,885).

H.R. 1

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT NO. 221: Page 306, after line 7, insert the following:

SEC. 1852. (a)(1) Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) in subparagraph (A), by striking ''80'' and inserting ''131''; and

(B) in subparagraph (B), by striking ''20'' and inserting ''34''.

(2) Section 4002(f) of such Act is amended by adding at the end the following:

''(3) RULES RELATING TO ADDITIONAL WEEKS OF FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(A) IN GENERAL.—If a State determines that implementation of the increased entitlement to first-tier emergency unemployment compensation by reason of the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011 would unduly delay the prompt payment of emergency unemployment compensation under this title, such State may elect to pay second-tier, third-tier, or fourth-tier emergency unemployment compensation (or a combination of those tiers) prior to the payment of such increased first-tier emergency unemployment compensation until such time as such State determines that such increased first-tier emergency unemployment compensation may be paid without undue delay.

''(B) SPECIAL RULES.—If a State makes an election under subparagraph (A) which results in—

''(i) the payment of second-tier (but not third-tier) emergency unemployment compensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for third-tier emergency unemployment compensation under subsection (d), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of second-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the second-tier emergency unemployment compensation; or

''(ii) the payment of third-tier emergency unemployment compensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.

''(4) COORDINATION OF MODIFICATIONS (RELATING TO ADDITIONAL FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION) WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any additional emergency unemployment compensation under subsection (b) (payable by reason of the amendments made by section 1852(a)(1) of the Emergency Unemployment Compensation Expansion Act of 2011), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this paragraph), (c), (d), or (e).''.

(3) Section 4004(e)(1) of such Act, as amended by section 501(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(A) in subparagraph (F), by striking ''and'' at the end; and

(B) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011; and''.

(4) Section 4007(b)(3) of such Act, as amended by section 501(a)(1)(C) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312) is amended by striking ''June 9, 2012'' and inserting ''September 22, 2012''.

(b) The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

(c) The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205), except that no additional first-tier emergency unemployment compensation shall be payable by virtue of the amendments made by subsection (a)(1) with respect to any week of unemployment commencing before the date of the enactment of this Act.

(d)(1) The budgetary effects of this section, 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.

(2) This section—

(A) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)); and

(B) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

H.R. 1

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT NO. 222: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by division A of this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) In this section, the term ''validation'', with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

H.R. 1

OFFERED BY: MR. PASCRELL

AMENDMENT NO. 223: Page 253, line 12, after the first dollar amount, insert ''(increased by $510,000,000)''.

Page 253, line 12, after the second dollar amount, insert ''(increased by $90,000,000)''.

Page 253, line 14, after the dollar amount, insert ''(increased by $420,000,000)''.

Page 255, line 21, after the dollar amount, insert ''(reduced by $510,000,000)''.

H.R. 1

OFFERED BY: MR. QUAYLE

AMENDMENT NO. 224: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the requirements of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act''), with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 225: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to prepare for the fiscal year 2012 allotment of diversity immigrant visas under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 226: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to distribute cellular telephones under the Low Income program of the Universal Service Fund.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 227: Page 251, line 20, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 252, line 15, after the first dollar amount, insert ''(reduced by $5,000,000)''.

Page 359, line 11, after the dollar amount, insert ''(increased by $5,000,000)''.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 228: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided by this Act for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' shall be available for the Los Alamos Neutron Science Center refurbishment, and the amount otherwise provided under such heading is hereby reduced by $20,000,000.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 229: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided by this Act for ''Department of Labor, Bureau of Labor Statistics, Salaries and Expenses'' shall be available for the International Labor Comparisons Program, and the amount otherwise provided under such heading is hereby reduced by $2,000,000.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 230: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation for the Chesapeake Bay Watershed.

H.R. 1

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 231: Page 213, line 19, after the dollar amount, insert ''(reduced by $47,000,000)''.

Page 217, line 13, after the dollar amount, insert ''(increased by $30,600,000)''.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 232: At the end of the bill (before the short title), insert the following:

SEC. ____. Not more than $10,000,000,000 of the funds made available by this Act may be used for United States military operations in Afghanistan.

H.R. 1

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 233: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used for the missile defense program of the Department of Defense.

H.R. 1

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 234: Page 215, lines 8 and 9, strike ''(other than nuclear power facilities and front end nuclear facilities)''.

Page 215, line 13, after the dollar amount insert ''(increased by $26,000,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 235: Page 198, line 3, after the dollar amount, insert ''(reduced by $309,500,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $309,500,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 236:

SEC. ____. None of the funds made available by this Act may be used for the further acquisition or fielding of backscatter x-ray full body scanner technology as part of the Transportation Security Agency's Advanced Imaging Technology program.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 237: Page 131, line 24, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 238: Page 198, line 20, through page 199, line 3, strike sections 1317 through 1319.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 239: Page 301, at the end of line 16, strike ''$4,015'' and insert ''$4,860.''

H.R. 1

OFFERED BY: MS. SHEILA JACKSON LEE

AMENDMENT NO. 240: Amendment to Strike Section 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to $290,500,000.

H.R. 1

OFFERED BY: MR. CARNEY

AMENDMENT NO. 241: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the Oil and Gas Research and Development Program of the Department of Energy.

H.R. 1

OFFERED BY: MR. CARNEY

AMENDMENT NO. 242: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for commodity storage payments by the Department of Agriculture.

H.R. 1

OFFERED BY: MR. REYES

AMENDMENT NO. 243: Page 245, line 16, after the dollar amount, insert ''(reduced by $60,000,000)''.

Page 245, line 7, after the dollar amount, insert ''(increased by $60,000,000)''.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 244: Page 199, line 6, after the dollar amount, insert ''(reduced by $298,000,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,000)''.

Page 204, line 8, after the dollar amount, insert ''(increased by $298,000,000)''.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 245: Page 199, line 6, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $150,000,000)''.

Page 204, line 8, after the dollar amount, insert ''(increased by $150,000,000)''.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 246: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for beach replenishment projects by the Army Corps of Engineers.

H.R. 1

OFFERED BY: MR. STIVERS

AMENDMENT NO. 247: Page 187, strike the proviso beginning on line 6.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT NO. 248: Page 321, line 9, after the dollar amount, insert ''(reduced by $10,716,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $10,716,000)''.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT NO. 249: Page 282, line 7, after the dollar amount, insert ''(reduced by $4,500,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $4,500,000)''.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT NO. 250: Page 281, line 25, insert ''(reduced by $12,510,000)'' after the dollar amount.

Page 282, line 3, strike ''$130,700,000'' and insert ''$118,190,000''.

Page 359, line 13, insert ''(increased by $12,510,000)'' before the period at the end.

H.R. 1

OFFERED BY: MR. SCALISE

AMENDMENT NO. 251: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to further delay the approval of any exploration plan, development operations coordination document, development production plan, application for permit to drill, or application to sidetrack for purposes of Outer Continental Shelf energy exploration.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 252: Page 182, line 4, after the dollar amount, insert ''(reduced by $24,010,000)''.

Page 359, line 3, after the dollar amount, insert ''(increased by $25,010,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 253: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds by Section 1257 of this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide funds for the construction of ethanol blender pumps or of ethanol storage facilities.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT NO. 254: Page 170, line 22, after the dollar amount, insert ''(reduced by $1)''.

Page 183, line 13, after the dollar amount, insert ''(increased by $1)''.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT NO. 255: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used by the National Labor Relations Board to certify the results of an election of a labor organization under section 9(c)(1) of the National Labor Relations Act (29 U.S.C. 159(c)(1)) that is not conducted by secret ballot.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT NO. 256: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the travel expenses of any employee of the U.S. federal government who travels using a ''first class'' ticket.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT NO. 257: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses for the Assistant to the President for Energy and Climate Change.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT NO. 258: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses for the Department of State Special Envoy responsible for the closure of the detention facility at Guantanamo Bay.

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 259: Page 216, line 23, after the dollar amount insert ''(reduced by $70,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $70,000,000)''.

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 260: Page 200, line 25, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 359, line 5, after the dollar amount insert ''(increased by $10,000,000)''.

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 261: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used by the National Program Office of the Department of Commerce to develop or implement the digital identity ecosystem described in the document entitled ''National Strategy for Trusted Identities in Cyberspace: Enhancing Online Choice, Efficiency, Security, and Privacy''.

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 262: Amendment to page 333, lines 5–17

Eliminate the $440 million Department of State, foreign operations, and related programs funding for international population control, family planning, and reproductive health and transfer those funds to the Spending Reduction Account.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 263: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay any dues to the United Nations.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 264: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for vacant Federal properties.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 265: Strike all after the enacting clause and insert the following:

That the Continuing Appropriations Act, 2011 (Public Law 111–242) is further amended by striking the date specified in section 106(3) and inserting ''April 4, 2011''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 266: At the end of the bill (before the short title), insert the following:

SEC. ____. Notwithstanding any other provision of law, none of the funds made available in this Act or any previous Act may be used to carry out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 267: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 268: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 269: At the end of the bill (before the short title), insert the following:

SEC. ____. All unobligated balances of the appropriations made by Public Law 111–148 and title I and subtitle B of title II of Public Law 111–152 that remain available as of the date of the enactment of this Act are rescinded.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 270: Page 288, line 20, after the dollar amount, insert ''(reduced by $750,000,000)''.

Page 288, beginning on line 21, strike ''$750,000,000'' through ''such Public Law; (2)''.

Page 289, line 1, strike ''(3)'' and insert ''(2)''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 271: Page 288, line 20, and line 21, after the dollar amount on each such line, insert ''(reduced by $750,000,000)''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 272: Page 287, line 12, after the dollar amount, insert ''(reduced by $2,026,000,000)''.

Page 288, line 20, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 292, line 12, after the dollar amount, insert ''(reduced by $1,930,000,000)''.

Page 293, line 25, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 294, line 15, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 295, line 8, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 359, line 15, after the dollar amount, insert ''(increased by $4,201,000,000)''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 273: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT NO. 274: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay any employee, contractor, or grantee of the Internal Revenue Service to implement or enforce the provisions of, or amendments made by, Public Laws 111–148 and 111–152.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT NO. 275: At the end of title VIII of division B, insert the following:

SEC. _____. The amounts otherwise provided by this title and title I of this division are revised by reducing the amounts made available for ''Department of Education, Education for the Disadvantaged'' (and the amounts specified under such heading for school improvement grants under section 1003(g) of the ESEA), by reducing the amounts made available for ''Department of Education, School Improvement Programs'' (and the amounts specified under such heading for part A of title II of the ESEA), and by increasing the amounts made available for ''Department of Education, Special Education'' (for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), by $336,550,000, $500,000,000, and $557,700,000, respectively.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT NO. 276: Page 296, line 21, after the dollar amount, insert ''(reduced by $336,550,000)''.

Page 296, line 22, after the dollar amount, insert ''(reduced by $336,550,000)''.

Page 297, line 25, after the dollar amount, insert ''(reduced by $500,000,000)''.

Page 298, line 1, after the dollar amount, insert ''(reduced by $500,000,000)''.

Page 299, line 20, after the first and second dollar amounts, insert ''(increased by $557,700,000)''.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT NO. 277: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the United States Citizenship and Immigration Services for the implementation of the REAL ID Act of 2005 (Public Law 109–13).

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT NO. 278: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to transfer to the United States any individual who is—

(1) detained by the United States at Naval Station, Guantanamo Bay, Cuba; or

(2) not a citizen of the United States and who is—

(A) captured or detained outside the United States as an enemy belligerent (including a privileged belligerent and an unprivileged enemy belligerent, as such terms are defined by section 948a of title 10, United States Code); and

(B) in the custody or under the effective control of the Department of Defense.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT NO. 279: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Environmental Protection Agency to reevaluate the approved herbicide Atrazine, as proposed and published in the Federal Register as EPA–HQ–OPP–2009–0759.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT NO. 280: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Federal Emergency Management Agency to establish, administer, or implement new flood maps for historically under populated areas that are protected by levees (those levee districts of less than 15,000 people) and have an expired provisionally accredited levee.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT NO. 281: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce the merit-based State personnel staffing requirements contained in section 618.890(a) of title 20, Code of Federal Regulations.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 282: Page 322, line 17, after the dollar amount, insert ''(reduced by $110,920,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $110,920,000)''

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 283: Page 216, line 19, after the dollar amount, insert ''(reduced by $13,600,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $13,600,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 284: Page 322, line 23, after the dollar amount, insert ''(reduced by $29,757,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $29,757,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 285: Page 321, line 9, after the dollar amount, insert ''(reduced by $10,716,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $10,716,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 286: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the Bureau of Reclamation, Title XVI Water Reclamation and Reuse Program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 287: Page 322, line 21, after the dollar amount, insert ''(reduced by $20,830,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $20,830,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 288: Page 323, line 19, after the dollar amount, insert ''(reduced by $790,000,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $790,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 289: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to award grants under the Department of the Interior, Bureau of Reclamation, WaterSMART grant program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 290: Page 216, line 19, after the dollar amount, insert ''(reduced by $18,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $18,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 291: Page 324, line 3, after the dollar amount, insert ''(reduced by $20,000,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $20,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 292: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the Tropical Forest Conservation Act of 1998.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 293: Page 265, line 25, after the dollar amount, insert ''(reduced by $4,430,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $4,430,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 294: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the National Fish and Wildlife Foundation.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 295: Page 264, line 12, after the dollar amount, insert ''(decreased by $7,537,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $7,537,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 296: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the Klamath Dam Removal and Sedimentation Study.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 297: Page 216, line 19, after the dollar amount, insert ''(reduced by $1,897,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $1,897,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 298: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Federal Aviation Administration to carry out the Century of Aviation Environmental Program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 299: Page 346, line 6, after the dollar amount insert ''(reduced by $26,509,000)''.

Page 359, line 22, after the dollar amount insert ''(increased by $26,509,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 300: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Biomass and Biorefinery Systems''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 301: Page 216, line 23, after the dollar amount, insert ''(reduced by $220,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $220,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 302: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Building Technologies''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 303: Page 216, line 23, after the dollar amount, insert ''(reduced by $220,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $220,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 304: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Science'' shall be available for biological and environmental research authorized under subtitle G of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16311 et seq.).

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 305: Page 218, line 5, after the dollar amount, insert ''(reduced by $302,000,000)''.

Page 218, line 7, after the dollar amount, insert ''(reduced by $302,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $302,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 306: Page 216, line 13, after the dollar amount, insert ''(reduced by $586,600,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $586,600,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 307: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Geothermal Technologies''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 308: Page 216, line 23, after the dollar amount, insert ''(reduced by $44,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $44,000,000)''.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT NO. 309: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Hydrogen and Fuel Cell Technologies''.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT NO. 310: Page 216, line 23, after the dollar amount, insert ''(reduced by $174,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $174,000,000)''.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT NO. 311: Page 215, line 13, after the dollar amount insert ''(increased by $22,000,000,000)''.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT NO. 312: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Industrial Technologies''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 313: Page 216, line 23, after the dollar amount, insert ''(reduced by $96,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $96,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 314: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Solar Energy''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 315: Page 216, line 23, after the dollar amount, insert ''(reduced by $247,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $247,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 316: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Vehicle Technologies''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 317: Page 216, line 23, after the dollar amount, insert ''(reduced by $311,365,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $311,365,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 318: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Water Power''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 319: Page 216, line 23, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $50,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 320: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' shall be available for ''Wind Energy''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 321: Page 216, line 23, after the dollar amount, insert ''(reduced by $80,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $80,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 322: Page 354, line 6, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

Page 359, line 22, after the dollar amount, insert ''(increased by $1,500,000,000)''.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 323: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide benefits described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(C)) to a person or legal entity in excess of $250,000.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 324: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide any benefit described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(C)) to a person or legal entity if the average adjusted gross income of the person or legal entity exceeds $250,000.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 325: Page 303, strike lines 3 through 9 and insert the following:

(b) For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, $460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

(c) In addition to the amount appropriated in subsection (b), for payment to the Corporation for fiscal year 2013, $61,000,000 as follows:

(1) $36,000,000 shall be for costs related to digital program production, development, and distribution associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the

Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

(2) $25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

(d) For taxable years beginning after the date of the enactment of this Act, no deduction shall be allowed under section 611 of the Internal Revenue Code of 1986 in the case of oil or gas wells.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 326: Page 354, beginning on line 6, strike ''; Provided'' and all that follows through ''Initiative''.

H.R. 1

OFFERED BY: MR. PERLMUTTER

AMENDMENT NO. 327: Page 214, line 18, after the dollar amount, insert ''(reduced by $53,000,000)''.

Page 214, line 21, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 214, line 24, after the dollar amount, insert ''(reduced by $9,000,000)''.

Page 214, line 23, after the dollar amount, insert ''(reduced by $46,000,000)''.

H.R. 1

OFFERED BY: MR. PALLONE

AMENDMENT NO. 328: Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,000)''.

Page 205, line 25, after the dollar amount, insert ''(reduced by $298,000,000)''.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 329: At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise made available by this Act for ''Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southeastern Power Administration'' is hereby reduced to $0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 330: At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise made available by this Act for ''Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southwestern Power Administration'' is hereby reduced to $0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 331: At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise made available by this Act for ''Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'' is hereby reduced to $0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 332: Page 198, line 13, strike the dollar amount and insert ''0''.

Page 198, after line 13, insert the following:

SEC. 1314A. Notwithstanding section 1101, the level for ''Department of Justice, Federal Bureau of Investigation, salaries and expenses'' shall be $7,765,537.00.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 333: At the end of the bill (before the short title), insert the following:

SEC. ____. The amount otherwise made available by this Act for the Payment in Lieu of Taxes program is hereby reduced by 75 percent.

H.R. 1

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 334: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs may be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas.

H.R. 1

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 335: Page 287, line 12, insert ''(increased by $317,491,000)'' after ''$5,313,171,000''.

Page 287, lines 17 and 18, strike ''no funds shall be for the program under title X of the Public Health Service Act'' and insert ''$317,491,000 shall be for the program under title X of the Public Health Service Act''.

H.R. 1

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 336: At the end of the bill (before the short title), insert the following:

SEC. ____. Not later than 90 days after the date of enactment of this Act, the Director of the Congressional Budget Office and the Commissioner of the Bureau of Labor Statistics shall, jointly—

(1) study the effect that this Act will have on job levels; and

(2) report the findings of the study in the Employment Situation Report of the Bureau of Labor Statistics.

H.R. 1

OFFERED BY: MR. MORAN

AMENDMENT NO. 337: Page 276, beginning on line 12, strike section 1747.

H.R. 1

OFFERED BY: MR. MORAN

AMENDMENT NO. 338: Page 265, line 21, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 274, line 16, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 274, line 25, after the second dollar amount, insert ''(reduced by $50,000,000)''.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 339: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by division A of this Act (other than the amounts under title I of such division, the amount under the ''Defense Health Program'' heading under title VI of such division, and any amount required to be made available by a provision of law) is hereby reduced by 2.7 percent.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 340: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by division A of this Act (other than the amounts under title I of such division, the amount under the ''Defense Health Program'' heading under title VI of such division, and any amount required to be made available by a provision of law) is hereby reduced by 1.6 percent.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 341: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for the salary or expenses of any individual—

(1) who is serving as the head of any task force, council, policy office, or other component within the Executive Office of the President that is established by or at the direction of the President; and

(2) whose appointment does not require confirmation by and with the advice and consent of the Senate.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 342: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used for the continued operation of the Mexican Wolf recovery program.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 343: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be obligated or expended in excess of the amount authorized to be appropriated.

H.R. 1

OFFERED BY MR. PEARCE

AMENDMENT NO. 344: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the payment of attorneys' fees or other legal expenses of any person with regard to an action brought by that person seeking enforcement of the National Environmental Policy Act of 1970.

H.R. 1

OFFERED BY MR. PEARCE

AMENDMENT NO. 345: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the payment of attorneys' fees or other legal expenses of any person with regard to an action brought by that person seeking enforcement of the Endangered Species Act of 1973.

H.R. 1

OFFERED BY MR. PEARCE

AMENDMENT NO. 346: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to provide trade adjustment assistance to wild blueberry producers under chapter 6 of title II of the Trade Act of 1974 (19 U.S.C. 2401 et seq.).

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 347: Page 199, line 6, after the dollar amount, insert ''(reduced by $913,707,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 348: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the Climate Change Adaption Initiative within the Department of the Interior.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 349: Page 322, line 10, after the dollar amount, insert ''(reduced by $689,761,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $689,761,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 350: On page 263, line 22, after the dollar amount, insert ''(reduced by $2,590,000)''.

On page 264, line 3, after the dollar amount, insert ''(reduced by $2,750,000)''.

On page 264, line 20, after the dollar amount, insert ''(reduced by $23,737,000)''.

On page 264, line 23, after the dollar amount, insert ''(reduced by $15,055,000)''.

On page 267, line 17, after the dollar amount, insert ''(reduced by $171,713,000)''.

On page 268, line 12, after the dollar amount, insert ''(reduced by $14,100,000)''.

On page 278, line 3, after the dollar amount, insert ''(reduced by $9,100,000)''.

SEC. ____. None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

SEC. ____. None of the funds made available by this Act may be used for the construction program within the Facilities activity within the U.S. Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 351: On page 263, line 22, after the dollar amount, insert ''(reduced by $2,590,000)''.

On page 264, line 20, after the dollar amount, insert ''(reduced by $23,737,000)''.

On page 267, line 17, after the dollar amount, insert ''(reduced by $171,713,000)''.

SEC. ____. None of the funds made available by this Act may be used for the construction program within the Facilities activity within the U.S. Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 352: On page 264, line 3, after the dollar amount, insert ''(reduced by $2,750,000)''.

On page 264, line 23, after the dollar amount, insert ''(reduced by $15,055,000)''.

On page 268, line 12, after the dollar amount, insert ''(reduced by $14,100,000)''.

On page 278, line 3, after the dollar amount, insert ''(reduced by $9,100,000)''.

SEC. ____. None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 353: On page 263, line 22, after the dollar amount, insert ''(reduced by $2,590,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 354: On page 264, line 3, after the dollar amount, insert ''(reduced by $2,750,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 355: On page 264, line 20, after the dollar amount, insert ''(reduced by $23,737,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 356: On page 264, line 23, after the dollar amount, insert ''(reduced by $15,055,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 357: On page 267, line 17, after the dollar amount, insert ''(reduced By: $171,713,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 358: On page 268, line 12, after the dollar amount, insert ''(reduced By: $14,100,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 359: On page 278, line 3, after the dollar amount, insert ''(reduced By: $9,100,000)''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 360: At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used for the construction program within the Facilities activity within the US Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 361: At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

H.R. 1

OFFERED BY: MR. FLORES

AMENDMENT NO 362. At the end of the bill (before the short title), insert the following:

SEC. ____ None of the amounts made available by this Act for ''Executive Office of the President and Funds Appropriated to the President'' shall be available for obligation during fiscal year 2011 in excess of the amounts available for such account during fiscal year 2008.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 363: Increase the Department of Justice, Community Oriented Policing Services Hiring program by $150,000,000.

Reduce the Department of Commerce, Bureau of Census, PERIODIC CENSUSES AND PROGRAMS by $150,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 364: Increase the Department of Justice, Community Oriented Policing Services Hiring program by $298,000,000.

Reduce the Department of Commerce, Bureau of Census, PERIODIC CENSUSES AND PROGRAMS by $298,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 365: On page 204, strike line 8 and insert: (5) ''$298,000,000'' for ''$298,000,000.

On page 208, decrease funds for the Department of Commerce, Bureau of the Census, Periodic Census and Programs by $298,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 366: On page 204, strike line 8 and insert: (5) ''$150,000,000'' for ''$298,000,000.

On page 208, decrease funds for the Department of Commerce, Bureau of the Census, Periodic Census and Programs by $150,000,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 367: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide any benefit described in section 1001D(b)(1)(c) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(C)) to a person or legal entity if the average adjusted gross income of the person or legal entity exceeds $250,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 368: Page 197, line 17, after the dollar amount, insert ''(reduced by $34,023,000)''.

Page 359, line 5, after the dollar amount, inserte ''(increase by $34,023,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 369: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Related Agency, Broadcasting Board of Governors, International Broadcasting Operations'' shall be available for Radio and Television Marti, and the amount otherwise provided under such heading is hereby reduced by $30,474,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 370: Page 9, line 15, after the dollar amount, insert ''(reduced by $18,750,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $18,750,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 371: Page 294, line 1, insert ''reduced by $100,000,000)'' after the dollar amount.

Page 359, line 15, insert ''(increased by $100,000,000)'' before the period at the end.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 372: Page 326, line 21 after the dollar amount, insert ''(reduced by $47,115,000)''.

Page 326, line 23, after the dollar amount, insert ''(reduced by $23,310,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $47,115,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $23,310,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 373: Page 326, line 2, after the dollar amount, insert ''(reduced by $100,500,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $100,500,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 374: Page 195, line 6, strike ''in excess of $112,000,000''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 375: Page 181, line 16, after the dollar amount, insert ''(reduced by $18,867,000)''.

Page 181, line 21, after the first dollar amount, insert ''(reduced by $18,867,000)''.

Page 359, line 3, after the dollar amount, insert ''(increased by $18,867,000)''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 376: Page 273, line 3, after the dollar amount, insert ''(reduced by $64,100,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $64,100,000)''.

H.R. 1

OFFERED BY MR. FLAKE

AMENDMENT NO. 377: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the construction of an ethanol blender pump or an ethanol storage facility.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT TO H.R. 1 Making Continuing Appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes (Offered by Mr. Hall of Texas).

AMENDMENT NO. 378: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. ''None of the funds made available by this act may be used to establish a NOAA Climate Service (NCS) as described in the ''Draft NOAA Climate Service Strategic Vision and Framework'' published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on 12/20/2010.''

H.R. 1

OFFERED BY: MR. REED

AMENDMENT NO. 379: Page 274, line 16, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 274, line 22, after the first dollar amount, insert ''(reduced by $10,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

H.R. 1

OFFERED BY: MR. REED

AMENDMENT NO. 380: Page 323, line 25, after the dollar amount, insert ''(reduced by $112,800,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $112,800,000)''.

H.R. 1

OFFERED BY: MR. REED

AMENDMENT NO. 381: Page 282, line 10, after the dollar amount, insert ''(decreased by $15,000,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $15,000,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $112,800,000)''.

H.R. 1

OFFERED BY: MR. CASTOR OF FLORIDA

AMENDMENT NO. 382: Page 216, strike lines 4 through 6.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 383: Page 263, strike lines 20 through 25.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 384: Page 242, strike lines 8 through 10.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 385: Page 197, strike lines 7 through 10.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 386: Page 287, strike lines 9 through 23.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 387: Page 293, strike lines 22 through 25.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 388: Page 294, strike lines 1 through 5.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 389: Page 354, strike lines 3 through 14.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 390: Page 296, strike lines 19 throgh 25.

Page 297, strike lines 1 through 12.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 391: Page 352, strike lines 14 through 24.

Page 353, strike lines 1 through 2.

H.R. 1

OFFERED BY: MS. HANABUSA

AMENDMENT NO. 392: At the end of the bill (before the short title), insert the following:

SEC. 4002. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of Housing and Urban Development, Management and Administration, Administration, Operations and Management'', and increasing the amount made available for ''Department of Housing and Urban Development, Public and Indian Housing, Native Hawaiian Housing Block Grants'', by $13,000,000.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 393: Page 217, line 7, after the dollar amount insert ''(increased by $6,000,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $6,000,000)''.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 394: Page 216, line 23, after the dollar amount insert ''(increased by $40,000,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $40,000,000)''.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 395: Page 213, line 19, after the dollar amount insert ''(increased by $20,000,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $20,000,000)''.

H.R. 1

OFFERED BY: MR. COHEN

AMENDMENT NO. 396: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs; and increasing the amount made available for ''Department of Commerce, Minority Business Development Agency, Minority Business Development'', by $2,500,000.

H.R. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 397: Page 217, line 13, after the dollar amount insert ''(reduced to $0)''.

Page 354, line 6, after the dollar amount, insert ''(increased by $586,600,000)''.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 398: Beginning on page 290, line 11, strike section 1812.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 399: Strike section 1303.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 400: Page 357, beginning on line 24, strike section 3001.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 401: Page 358, beginning on line 9, strike section 3002.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT NO. 402: Page 247, beginning on line 10, strike ''*Provided further*,'' and all that follows through ''equivalent screeners:'' on line 15.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 403: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be appropriated to any agency for any activities in anticipation of, or related to implementing, administering, or enforcing the individual mandate to purchase health insurance pursuant to section 1501 of the Patient Protection and Affordable Care, and the amendments made by such section, as amended.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, FEBRUARY 14, 2011 No. 23

Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Hear our prayers, Lord, and deal graciously with our petitions. We put our trust in Your word, as we lean upon Your loving kindness and tender mercies. Bless this land we love, infusing its citizens with strength, wisdom, and faith. Lord, guide those whom we ourselves have set in authority, keeping them from disorder, discord, and division. Lift them to the heights of Your great purposes so they will have daily insights into Your will and way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the FAA authorization bill. I have spoken to the chairman of the committee. I have spoken to the Republican leader. We are going to do everything we can to move this matter forward as quickly as possible. Those who have amendments should offer them. We will try to set up the votes for those that are already pending at the earliest possible date. We could do some of them in the morning. We may even be able to get a number of them out of the way tonight, if we can work something out on that. At 4:30, we will turn to executive session to consider the nomination of James Graves of Mississippi to be a U.S. circuit judge for the Fifth Circuit and Edward Davila of California to be a U.S. district judge for the Northern District of California.

At 5:30, there will be a voice vote on Graves and a rollcall vote on Davila. Senators should be prepared for additional rollcall votes this evening relating to amendments to the FAA bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE PRESIDENT'S BUDGET

Mr. MCCONNELL. Mr. President, earlier today, President Obama showed the American people just how he intends to spend their tax dollars, and how much more intends to borrow, to fund his vision of the future. And it is a huge disappointment to those in both parties who were hoping the President would take this opportunity to address the grave and imminent fiscal crises we face. The President's budget is the clearest sign yet he simply does not take our fiscal problems seriously.

It is a patronizing plan that says to the American people that their concerns are not his concerns.

It is a plan that says fulfilling the President's vision of a future of trains and windmills is more important than a balanced checkbook.

It is a plan that asks our children to pay for an imaginary vision of the future that may or may not come about by adding trillions to a debt that will be very real to them indeed.

The President's budget comes in at close to a thousand pages. The people who voted for a new direction in November have a five-word response: We don't have the money.

We don't have the money.

Americans have been asking a crucial question as we approached this debate: how do we get back to balance, how do we get to a place where Washington spends less than it takes in. And the simple fact about this budget is that the President and all his advisers couldn't come up with a single year in the next 10 where we do that.

That is the key question in this debate, but it is the one question that the President and all of his advisers don't seem to have been the least bit interested in.

The White House wants us to engage in a debate this week about percentage cuts at this or that agency, about milti-year projections and CBO scores. It all misses the point. The real point is this: We are broke. We don't have the money.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Look: there is a time to experiment with high-flown plans and to test theories. But we have to balance the checkbook first. We have to be able to afford it. The American people get that. This administration doesn't seem to.

After 2 years of failed stimulus programs and Democrats in Washington competing to outspend each other, we just can't afford to do all the things the administration wants.

The President has said he wants us to win the future. But this budget abdicates the future. It spends too much, taxes too much, and borrows too much. It says that the President does not have the will or the ability to do what we need to do with the money that we have. But that is precisely what the Americans are demanding that we do.

Americans reject the idea that they have to live with another $13 trillion in debt to fund the President's or anyone else's vision of the future.

This budget was an opportunity for the President to lead. He punted. It only pretends to do the things people want. And the reaction we have seen from across the political spectrum so far today suggests that nobody is buying it.

The President may be determined to keep spending levels at the current high levels—high levels he put in place—in the hope that people will get used to them. But he has clearly misread a public that has had enough.

We must live within our means. We must begin to do the difficult but necessary work of reining in a government that has grown beyond our ability to pay for it. We must acknowledge the mistakes of the past 2 years and work to correct them.

The stimulus failed. This budget says ''Do it again.''

The President has already added more than $3 trillion to the debt as we lost another 3 million jobs. This budget says let's add more debt and see if we get a different result.

The President had an opportunity to cut domestic spending from the 25 percent he has increased it since he came into office. Instead, he locked it in place.

He had an opportunity to start to pay down the tremendous burden of debt that he has added over the past 2 years. He wants to increase it instead.

He had an opportunity to work with Republicans on reforming long-term entitlements such as Social Security, Medicare, and Medicaid. He took a pass.

This is a status quo budget at a time when serious action is needed.

This is business as usual at a time when bold, creative solutions are needed.

This is not an I-got-the-message budget. It is unserious, and it is irresponsible.

We need to look for ways to preserve what is good that does not put us on path to bankruptcy. That was the challenge of this budget. The administration failed the test.

After years of overspending by both parties, it is time to make tough choices, just as any family does when times are tough, even among very good things. We have to cut even from programs that are good, as difficult as it is, recognizing that the values we are fighting for in this debate are more fundamental than the survival of any one program. We need to face that fact that we do not have the money. It is not an American value to borrow from others to pay for programs we do not need and cannot afford. And it is not an American value to put off tough decisions because we refuse to say no to things we want.

If there is any good news in this debate, it is that we are finally beginning to talk about how much to cut in this town instead of how much to spend. But we are going to need more people to join the fight. We will need Democrats to join us. Above all, we need a President who gets it. And this President clearly does not get it yet.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THIRD ANNIVERSARY OF THE NORTHERN ILLINOIS UNIVERSITY SHOOTING

Mr. DURBIN. Mr. President, 3 years ago today, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University in DeKalb and shot 22 students, killing 5 of them.

John Peters, the president of Northern Illinois University, the students, families, faculty, and employees pulled together after that tragedy, and I joined them at an observance with then Senator and now President Obama to acknowledge the grief they all felt and we shared. I am proud to report that the Northern Illinois University community is stronger and more resilient today than ever.

In the aftermath of the shooting, we asked a lot of questions about what led to it. Naturally, there were so many innocent victims. We asked what we could have done to prevent it. Three years later, we are still trying to make sense of it.

Some believe that nothing can be done if a disturbed person is determined to commit an act of violence. But I believe something can be done.

For a long time, we have overlooked a very obvious and very compelling fact. Many young people do not demonstrate serious mental illness until they have left their home and high school and go off to college. We have overlooked the mental health of students on campuses.

Many mental illnesses manifest in this period when young people leave the security of home, regular medical care, and the support of a network of family and friends.

A friend of our family, a young man, went to the same university over 30 years ago. Gary was a peculiar kind of his own type of person in high school. But within 30 days at the university, living in a college dorm, certain mental illnesses we were not even aware of manifested themselves and he suffered from schizophrenia the rest of his short life. It manifested itself at that campus.

It is easier for a young person's problems to go unnoticed when they are away from parents, old friends, and the high school community. Sometimes they get worse. People do not even notice.

The consequences of not detecting or addressing mental health needs among students are very real. Forty-five percent of college students report having felt so depressed it was difficult to function. Ten percent even contemplated suicide.

But while the needs for mental health services on campuses are rising, colleges are facing financial pressures of their own and are having trouble meeting the demand. A recent survey of college counseling centers indicates the average ratio of professional staff to students is 1 to 1,952, and at 4-year public universities it is 1 to every 2,600 students. It is little wonder that many young people with these problems go unnoticed.

Shortly after the tragedy at Northern Illinois University, I wrote a bill called the Mental Health on Campus Improvement Act to help schools meet the needs of their students. The bill would provide resources for colleges and universities to improve their mental health services and would call for the development of a public nationwide campaign to educate campus communities about mental health. We know troubled students who receive appropriate counseling and support can succeed in college and life. These services make an impact. Students who seek help are six time less likely to kill themselves.

By providing critical resources to colleges, the Mental Health on Campus Improvement Act would ensure that more young people receive the help they need before facing a crisis.

The main elements of this bill were included in a proposal to reauthorize the Garrett Lee Smith Memorial Act last year. I will continue to work on this legislation to get it enacted so we can give colleges the help they need to identify and treat students with mental health issues.

We also know from Northern Illinois University, as well as from the tragedies at Virginia Tech and Tucson, that we need to fill the gaps in the Federal gun background check system.

No one is proposing to take guns away from responsible American hunters and law-abiding citizens. The Supreme Court has made it clear that individuals have a right to own guns. I respect that decision. But the Court has also said that the second amendment is ''not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

For years, laws on the books have prohibited those with histories of serious mental illness and substance abuse from buying guns. State agencies and Federal agencies need to work more closely together to make sure the background check system is fully updated with this critical information.

Today is a time for our country to remember the lives and mourn the loss at Northern Illinois University of five promising young Americans whose life stories were cruelly cut short 3 years ago. But as we look back, we must also—as they say at Northern; their slogan—move ''Forward, Together Forward'' in the true Northern Illinois University spirit.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, might I ask, what is the pending business?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The bill clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the administration for fiscal year 2008.

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

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

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

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Reid amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, NV.

Udall (NM)/Bingaman amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Nelson (NE) amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Mr. ROCKEFELLER. Mr. President, my cochair, Senator HUTCHISON, is on the floor, and I know she wishes to speak.

It occurs to me we are back on the Federal aviation bill. We have been on this bill for several years. There is an interesting sort of dilemma which has developed. If one listens to the conversation on the floor and around in the hallways, everything has to do with slots—how many flights in and out of National Airport, what are we going to do about the west coast, Seattle, and all the rest of them. Actually, that is a very small part of the overall bill, reflecting on the overall health and progress of the Federal Aviation Administration, compared to things such as NextGen, the new air traffic control system entirely, and a variety of other things which are already in the bill which the Senate passed last year 93 to nothing. So I am losing my patience a little bit with slots.

KAY BAILEY HUTCHISON and I agree on most things in our work, and we have an amendment. Other people seem to be going back and forth—they are amenable, then they are not amenable—and we are running out of time. I think the leader, with that in mind, is going to ask for cloture on this to sort of force everybody's hand.

What I am really suggesting is that those who are working on slots try to come to an agreement during the course of the rest of this day because I think we are talking only about that, and perhaps a little bit of tomorrow morning. Then I think the Senate just kind of—and I know the leader on our side—has to do the bill. We have been debating these slots for 6½ months this year. We did it for a whole bunch of months last year. Progress is made, progress is unmade; people agree, people don't agree. Senator HUTCHISON and I are getting a little bit frustrated by that. We think we have a good amendment, but let's see.

So we have some pending amendments. I am hopeful we will be able to work through them this evening and the remainder of the week. I think we have made reasonable progress on some matters, but on the question of the bill itself and the substance of the bill and those amendments which are germane to the substance of the bill, I think we have made a lot of progress. A lot of that progress actually comes from last year on our unanimous vote to approve this issue. So I believe we can and must finish this bill this week. I think my cochair agrees with me on that. If not, we risk further extensions of the FAA and a less stable agency.

Again, I would point out that I think we are on our 18th extension of this massive bill keep all of our planes in the air and everybody at work and includes safety and all kinds of things. We need a very swift resolution. So I urge the Senate to promptly move forward on the passage of the FAA reauthorization act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am fully in support of what the chairman has said. We have been on this bill now for over a week of actual Senate time. It is an important bill for our country because we are trying to set in place the next generation of air traffic control. America has over 50 percent of the air traffic in the world. We need to be the leader of the next generation of

air traffic control systems. We are trying to transfer from the ground-based radar system to a satellite-based system. It will be more efficient. It will open many more opportunities for airspace. We need to be able to move forward so that more planes can use the airspace we have. Yet we are finding a reluctance to vote on amendments. There are several amendments that are pending. We need to have votes on those amendments. There are safety measures; there are consumer protection measures in this bill.

The chairman and I have worked together on making progress because we both want to pass this bill. It is a good bill. The sticking point is the slots at Reagan National Airport. Honestly, the chairman's staff and my staff have worked with all of the affected airlines and States and constituents to try to come to a fair opening of Washington National Airport to people who live west of St. Louis, MO. Basically, west of St. Louis, there are very few straight flights from Washington National. Most of them have to stop. So we are trying to gradually add to the capabilities for people who live out West to come into Washington National Airport, but we are also trying to keep the people who live around the airport from having undue noise or undue traffic or congestion at the airport. So we are trying to come up with a fair system. But, to be honest, the sides are not giving. There is a western Senator position. There is a Virginia Senator position. There is a far-Alaska, far-west position. And nobody is giving an inch. Well, it is kind of hard to negotiate when you keep putting things out there, which the chairman and I are doing, and we get no response but ''I want everything my way.'' Well, ''everything my way'' is not going to work.

We are facing a deadline now where possibly we won't be able to get a vote. I think that would be very bad for the western half of the United States because I think they are being unfairly kept out of access to the convenience of the airport to the Capitol and to downtown Washington. So I hope the sides will meet and come together with something that accommodates all of the needs and concerns, and I hope we can pass this bill this week. I think both the majority leader and the Republican leader are in support of the bill going forward. So we need to get our amendments up, get them voted on, and let's try to make progress.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, let me add to what my distinguished colleague said. People who are working on slot amendments should remember that in the bill that was passed and therefore the pending legislation, S. 233, there are no slot amendments. So they have to be under the discipline of understanding that slot amendments at this point are nongermane, and that will change as circumstances change in the next day or they won't.

At this point, with the indulgence of Senator HUTCHISON, I know Senator MURKOWSKI from Alaska is going to give a speech, with whom I know I am going to fully agree.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I wish to acknowledge the chairman and the ranking member on the Commerce Committee. I know they have been working diligently throughout this process not only with this particular reauthorization, but they have been great leaders on this issue over the years, and I appreciate that. We are working on some difficult issues, some contentious issues, including the issue of the slots which the chairman just discussed. It is one that is critically important to a person such as myself who represents the farthest of the West, along with Hawaii, so we look at how we are able to gain access through our airways and to travel. So the issues in front of us are incredibly important, but I don't want to speak to the issue of the perimeter slots today.

I wish to address an amendment that was raised exactly a week ago by my colleague from Arizona, and this is regarding the importance of the Essential Air Service to my State of Alaska. I think the Members of this body have heard very often not only from myself but from Senator BEGICH and, prior to the two of us, the Alaskan Senators who for years stood on this floor and said: Alaska is different.

When we are talking about the Essential Air Service and what it allows and what it provides, I repeat, Alaska is different. It is unique from anywhere in the lower 48, and the necessity to maintain the Essential Air Service is yet one more example.

It was last week that the Senator from Arizona referred to a figure from the FAA that stated ''99.95 percent of all Americans live within 120 miles of a public airport that has more than 10,000 takeoffs and landings annually.'' That statement clearly does not refer to Alaska.

When the Essential Air Service was created in 1978, after the airline industry was deregulated, Congress correctly determined that air carriers that supported our rural locations would need a financial subsidy to ensure their passengers could receive not only a price but quantity of flights and quality of service that was necessary to provide for effective transportation and movement of goods.

At the creation of the EAS Program, nearly every community in the State of Alaska was affected by the deregulation of the airlines industry. There were about 130 communities that were put on that list in 1978. Today we have 44 communities in Alaska that are receiving EAS.

Let me tell you some things about Alaska that do make it unique, and when we refer to Essential Air Service one can see that title is actually a very apt description of what is provided in my State.

I have a map of the State of Alaska. The red lines that look like little arteries represent our road system. We have just short of 11,000 miles of a road system in the State of Alaska. I said that seems like a lot of roads. To put it in context, California has 2.3 million miles of roads.

Our road system is one—if you look at it—that is up and down. We do not have much in southeastern Alaska. We do not have a thing along the Aleutian chain. We do not have anything in the southwestern and northern part of Alaska. We have just a few roads around the Seward Peninsula. Eighty percent of communities in the State of Alaska are not connected by a road. How do you get there? If you happen to be in the southeast, you get there by boat.

The bottom line is we fly. This is not a luxury; this is a necessity. We have to fly. We are the most flown State in the country. About 80 percent of our communities are nonaccessible by road while in the rest of the country, if you want to get in your car, if you have an emergency, you need to get to the hospital, you hop in and drive. If you want to go for a spring break, you get in your car and drive 4 or 5 hours and you are at the beach. If you want to get somewhere—anywhere—you pretty much have an opportunity to do so.

We do not have that opportunity in Alaska. Given what we face with a limited road system—the weather and terrain issues—we in the State of Alaska treat airplanes or helicopters like most Americans would treat their minivan. Aircraft in Alaska are not just a nice thing to have. They are a lifeline for survival, for subsistence, for travel, for recreation. They are truly an essential part of our everyday lives.

The city administrator of Atka—Atka is all the way at the end of the Aleutian Islands—the city administrator of Atka, Julie Dirks, sent a letter to the Alaska delegation explaining how the loss of EAS subsidies would negatively impact the city of Atka and other rural communities in the State. In the letter, she writes:

> Loss of this program would be devastating to remote rural communities such as Atka and others in our region. Atka is not on a road system connecting the communities to other places nor is there any type of marine ferry service connecting Atka to other islands or mainland Alaska.

Even though there is a lot of water out there, you cannot get there by boat.

> Air transportation presently is the only method available providing access in and out of Atka. Costs of service are already high even with the subsidy. Without the subsidy service would be too expensive or even nonexistent.

I ask unanimous consent to have printed the letter from the city administrator of Atka.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 7, 2011.

Re Essential Air Service Program.

Alaska Delegation,
Senator MARK BEGICH,
Senator LISA MURKOWSKI,
Congressman DON YOUNG,
Washington, DC.

It is my understanding Senator John McCain has introduced legislation to the FAA Reauthorization Bill that, if passed, would repeal the Essential Air Services Program. I am writing on behalf of the remote Aleutian community of Atka, Alaska to protest the elimination of the program.

Without the federal government subsidy provided by the Essential Air Service program remote communities in Alaska like Atka are unlikely to have any air service at all and could cease to exist. Regular scheduled transportation service is important to the sustainability of the community and to support economic activity of the local seafood processing plant owned jointly by local residents and the regional CDQ organization.

Loss of this program would be devastating to remote rural communities such as Atka and others in our region. Atka is not on a road system connecting the communities to other places nor is there any type of marine ferry service connecting Atka to other islands or mainland Alaska. Air transportation presently is the only method available providing access in and out of Atka. Costs of service are already high even with the subsidy. Without the subsidy service would be too expensive or even non-existent.

Your efforts to keep this important program funded will be appreciated by Atka residents.

Sincerely,

JULIE DIRKS,
City Administrator.

Ms. MURKOWSKI. Mr. President, we have 44 communities in the State of Alaska that receive an EAS subsidy. Thirty eight of those communities are not connected in any way to this road system so they are forced to use air travel as their primary means of travel. Then one has to say: OK, that means you have six that are on a road. Why can't they use the road? Why do we have to provide EAS for these six communities?

Let's look at some of these communities. McCarthy does not have any road maintenance during the winter months. Pretty much between October and April we are looking at a situation where this community is shut off. That means no mail. That means no emergency services. That means no ability to get food supplies. They basically have to wait it out until the road thaws in the spring. If we do not have air service in a community such as McCarthy, even though there is technically a road, for about 7 months they are without.

Another of the communities, Gulkana, is on a two-lane paved road, but it is over 210 miles to the nearest medium-hub airport. The other four communities, which are Circle, Central, Minto, and Manley Hot Springs, are all located on two-lane gravel roads. They require driving distances of at least 125 miles to the nearest hub airport.

Again, we need to remember what kind of roads they are driving on. This is not like jumping on to I–95 or I–10. These are, for the most part, single-lane roads during most of the year. They are snow covered, with limited visibility. They have tough temperatures they are dealing with in the interior. It is pretty dark during this time of year. It is not a road about which one says: Let's drive to town.

It has been noted by some of the opponents of the Essential Air Service Program that the spending in Alaska is just out of whack, that it is too much. Let's look at the facts as they relate to Alaska.

There are currently 153 communities that are receiving subsidies, according to the USDOT. The Department of Transportation says there are 44 communities in Alaska and 109 communities combined for the lower 48, Hawaii, and Puerto Rico. Critics say it looks as if Alaska has almost half as many EAS communities as the rest of the United States.

OK, that may be true. We will grant that. But what they ignore, what they forget is how we compare in Alaska in conjunction with the rest of the country. I know people get tired of looking at these maps about how big we are. The fact is, we do not make this up. We do not just superimpose Alaska on a map of the country and say: Isn't this a nice shape? We put it on the map of the lower 48 States to show the size. We are not that little State that is down in the water next to Hawaii or off California, despite some of the maps that are still out there on people's walls. We are this big.

We have over 47,000 miles of shoreline, going all the way out to the Aleutians and coming all the way up—47,000 miles, more than all of the other 49 States combined. We cover an area of over 586,000 miles. We go from California to Florida, beyond the Great Lakes and into Canada.

The comment was made that if I want to go from Adak, which is one of the EAS communities, to Anchorage, which is the largest city in our State, it is a $1,400 round-trip airfare—with EAS subsidies, I might add. But it is almost 1,200 miles. That just gets you from Adak into Anchorage. It does not get you down to the rest of the lower 48.

Put that in context and that is like going from Kansas City to Boston where, I might add, their round-trip airfare is $571. It helps to put things in context when people are saying that Alaska is getting too much of a share of this program. Monetarily, Alaska gets about $12.6 million in EAS subsidies. The rest of the Nation gets over $163 million in EAS subsidies. In Alaska, we have over 700 registered airports, 1,200 airstrips, and over 10,000 registered aircraft.

When we look at how our 44 communities that receive the subsidies receive less than 10 percent of the subsidies of the lower 48, to suggest somehow they are getting something that is not equitable, again, is important to put into context. There are no roads to most of these communities.

It was commented by my colleague from Arizona that there was a 2009 GAO report on the Essential Air Service Program. It was indicated that the GAO thought the Essential Air Service Program might have outlived its usefulness. But there is a section of that report that was left out. I think it is important to note that the writers of that report stated:

> [The] review focuses on communities within the continental United States that have received EAS subsidized service. We focused our review on these communities because the requirements for communities in Alaska are different than for communities in other States, and airports outside the contiguous States are not representative of the program in the rest of the country.

It is critically important that we look to what that full GAO report said and how it recognized that the circumstances in Alaska are entirely different and are not representative of what we see in the lower 48.

When we look to that GAO report, we need to put that into context again. Another thing that must be kept in mind when we are talking about Essential Air Service is that—what we are all talking about on the Senate floor—is jobs, what is going on with jobs. The number of jobs that would be lost, the economic impact that would result from the repeal of this program in Alaska would be consequential.

Aviation in our State provides $3.5 billion to the economy. It represents 8 percent of the gross State product. It is the fifth largest employer in the State, employing about 10 percent of our total workforce. And it is not just the jobs that would be lost, these folks who handle and sort the mail, load the packages into the aircraft would likely lose their jobs. The commercial fishermen, the workers at the fish processing plants would be impacted. Emergency medical professionals, the tourist industry, recreational professionals—they would all feel the negative impact of the repeal of EAS in Alaska. All of these vital industries and services are connected to the everyday Alaskan by one common thread, and that is aviation.

Many of us look forward to the wild fresh salmon that comes out of the Copper River in May. That comes from a community in Prince William Sound, Cordova. Mr. President, 2,200 people live there. They receive Essential Air Service. The fact that they are able to fly into this community that does not have access to a road allows those fishermen to receive a price for their product that maintains and sustains them. The repeal of EAS means hundreds of my constituents would be forced to purchase expensive airline tickets just so they would have access to the most basic and yet very essential things.

Kodiak Island is the recipient of a lot of our EAS communities. Island Air is an airline that services these 12 communities. Eleven of these communities

are served by float planes because there is no runway. So we don't even have the basic runway. You are flying in on a seaplane. Two of the communities Island Air supports are Karluk and Alitak. Round-trip airfare from Karluk to Kodiak, which is sitting right in here, is $254 a person, to Alitak it is $346 a person. Flights to these locations occur only three times a week. So if you are going to fly into Kodiak, you have to assume you are going to have a couple nights of hotel costs—lodging expenses—so this brings the price of your trip to about over $500. But if the EAS Program is repealed, the cost per person to get to these locations jumps to over $1,800, and that is just to get from the little village to Kodiak. This is not getting you to Anchorage, where you can get medical services. It is not getting you to where you can get to the shopping you and your family might need. These expenses are also just for the airfare and not for the lodging. It doesn't allow for the purchase of supplies, mail, tourism or any of the other activities that members and visitors to these communities might engage in. So I think it is fair to say if we repeal EAS, Island Air will no longer be able to serve these communities. They would be forced to lay off their employees. But you don't have service to these areas.

I can't speak for every location in the United States that receives funding from EAS and tell you how each would be impacted by the McCain amendment, but I can say, without any reservation, that this amendment would create an economic and a transportation disaster for Alaska, including the loss of jobs, livelihoods, and would potentially impact health and medical situations. The complete elimination of the EAS Program could destabilize many of our rural communities, could negatively impact the integrity of Alaska's interconnected aviation system, and severely reduce air services to essential parts of the State. EAS has been and will continue to be a critical and instrumental component of Alaska's aviation transportation system network, while providing important jobs and allowing necessary and critical access to rural and isolated communities within our State and across the Nation.

I have consumed the time I was allotted this morning, but I cannot repeat enough, I cannot reiterate enough the importance of a program such as Essential Air Service to a remote and rural State such as Alaska. It truly is essential. When this amendment comes before the body, I would urge defeat of the McCain amendment.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am only going to comment for a minute, but what the Senator from Alaska has just said is completely true. It also points out the overall philosophical question of what are we doing with this bill: Are we going to pass it or fight over all these slots? I am for passing the bill and leaving slots for conference or whatever, unless we can work something out. Nobody wants to agree. Everybody thinks they have the leverage. Maybe they do, maybe they do not. But in the meantime, this bill, which has been languishing for all these months, in fact, solves one of the problems of Alaska in its entirety because of the NextGen system, which I have been talking about—and which I could talk about more but not today—which is a global satellite network. It will provide the safety and capacity that is needed for safe flight in tricky weather, where weather changes very quickly, and, in fact, it is now in place in Alaska.

So that doesn't, in any way, take away from the Essential Air Service problems which the Senator from Alaska is talking about. I totally agree with her on that. But it just shows that if we hold up this bill and make ourselves slaves to working out slots agreements, which probably can't be worked out on this floor—maybe they can, I hope so, but I doubt it—we are depriving her State and others—but hers in particular since hers is a test State which has this system in place because of the changing weather, because of the unpredictability of virtually everything when you are flying. It is in effect there and in four other States. We are trying to get it to all States. This will change the whole future of aviation.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

THE PRESIDENT'S BUDGET

Mr. HATCH. Mr. President, today, the President released his budget for fiscal year 2012. If this is his idea of a Valentine's gift to America and to the American people, he has an odd way of showing his affection. It is the equivalent of taking your fiancée to dinner, asking her to marry you, and then leaving her to take care of the check, your maxed out credit cards, your underwater mortgage, and the bill for the ring.

This budget is, quite simply, an abdication of adult responsibility, and it is a particular abdication of the responsibility of the President of the United States, who takes an oath to protect and defend our Constitution. Our economy is dealing with the hangover from the 2008 economic collapse, the greatest fiscal crisis I have seen and that we have seen in several generations. Our recovery has been sluggish, and it is not being helped by this administration's regulatory overload and ObamaCare, which is set to kill 800,000 jobs.

We can already see a still larger crisis approaching. This is nothing short of an existential challenge. Continued deficits and accumulated debt are a genuine threat to individual liberty, continued prosperity, and national security. Absent immediate action—and let me stress this needs to be immediate action—we face a future where our union is not more perfect and where government will stand in the way of enterprising businesses and citizens whose only wish is the opportunity to thrive. Yet the President's response to this impending disaster is to vote present. His response is to pass the buck.

With due respect, the budget released today is a sorry joke. I would hate to be the White House staffers forced to spin this budget as a step in the right direction. The United States is demanding a ''Churchill'' on the issue of deficits and debt, but the administration has delivered us a ''Chamberlain.''

Let me break this down. The administration is going to reduce the deficit by $1.1 trillion over 10 years. That sounds like a mighty big number, and I am sure the White House has some consultants who have told them the American people can be duped into thinking this represents meaningful deficit reduction or change. Let me be clear. This is not meaningful deficit reduction. The administration wants to reduce the deficit by $1.1 trillion over 10 years. What does the administration project the deficit to be for this fiscal year—$1.65 trillion. At 10.9 percent of the gross domestic product, this is the largest deficit as a share of the economy since World War II. Unbelievable.

But it is consistent with the way Democrats have behaved since taking over Washington. In 2010, the deficit was $1.3 trillion and in 2009 $1.4 trillion. So let us put this in perspective. The administration is out there touting today its fiscal responsibility. Yet its 10-year total deficit reduction is smaller than this year's deficit.

The President's much touted 5-year freeze on discretionary spending, which will save $400 billion, is smaller than the Congressional Budget Office's recent upward revision of the 2011 deficit. Spinning this budget as the fiscally responsible thing to do betrays a profound lack of respect for the intelligence of the American citizens.

This budget contains $53 billion for construction of high-speed rail in Florida, California, and several other States. If there is a bigger government boondoggle out there, I am not aware of it. But the Vice President, in promoting this spending spree, tells Americans they need to get a grip. With due respect, the American people's grip on the situation is fine. They understand something that apparently has eluded the best and brightest over on Pennsylvania Avenue—we are out of money.

The well that has been financing the New Deal, and the New Frontier, and the Great Society, and the stimulus, and ObamaCare has finally run dry. It is past time that we stop playing politics with the deficit and debt and make the tough choices necessary to put America's finances back on solid ground. Yet there is no effort in this budget to take care of our long-term fiscal problems—none at all.

Not even the Washington Post is able to spin this one. This is a $3.7 trillion budget. What is the future of our deficit and debt? This is what the Post had to say. After next year, the deficit will begin to fall, ''settling around $600 billion a year through 2018, when it would once again begin to climb as a growing number of retirees tapped into Social Security and Medicare.''

The new normal under this budget is one of permanent budget deficits, long after President Obama has returned to private life. He will be out working on his Presidential library while Americans are left holding the bag for his big spending policies. He may not want to admit it, but the most fitting volume for his Presidential library might be ''The Road to Serfdom.''

How exactly does the administration propose to pay for Social Security and Medicare and national defense under this budget? The bottom line: It doesn't. This budget amounts to gross negligence. Even the progressive blogger, Ezra Klein, concludes that when reading this budget, it is almost like the fiscal commission never happened.

Remember that? The President's fiscal commission? It issued a report recommending over $4 trillion in cuts, including adjustments to entitlements. It offered controversial but appropriately bold proposals to get our Nation back on track. The President and his team looked at those proposals and bravely decided to leave this problem to the next administration and future generations.

Clearly, I am not a fan. But there is one useful item to consider in this budget. It is what progressives might call a teachable moment.

To achieve these paltry deficit reduction numbers, the administration had to resort to massive tax increases.

As the Post concludes, the tax hikes in this bill will be around $1.6 trillion over 10 years.

Here is the point that people need to be reminded of.

Even with possibly more than $1.6 trillion in job killing tax increases in this budget, it still comes nowhere close to reining in our deficits and debt.

For years we have heard Democrats say that if the rich people and businesses paid their fair share in taxes, we could balance the budget and reduce the debt.

Well, they sure tested it out in this budget.

They soak the so-called rich and American business with a fire hose, and yet we are still facing trillions in debt and hundreds of billions in deficits.

After the much maligned Bush tax cuts expire and undermine small business job creation, according to the President's own numbers we will still have to borrow an additional $7.2 trillion through 2021 to pay the bills that are coming due from the Obama administration's spending policies.

This budget should be a turning point in our debate about deficit and debt reduction.

Tax increases simply cannot get us there.

Unfortunately, the message that tax increases lead to deficit reduction is the Democrats' good word.

Over the past decade, I have participated in many discussions about spending and tax policy.

As my colleague from Iowa, Senator GRASSLEY, has noted, Democrats basically have two talking points.

First, all of the good fiscal history of the 1990s was derived from the partisan tax increase bill of 1993.

And second, all of the bad fiscal history taking place within the past 10 years is owing to the bipartisan tax relief plans originally enacted during the last administration and continued under the present administration.

The Democrats' platform does have the virtue of simplicity: higher taxes—good; lower taxes—bad.

This record needs to be corrected. Regular viewers of C-SPAN 2 have probably heard others on my side do so before.

But it bears repeating, particularly in light of today's budget, that higher taxes will not right our fiscal ship.

The myth that higher taxes lead to lower deficits is a persistent one.

This is the mainstream account of the Clinton tax hikes.

According to this theory, the positive fiscal history of the 1990s resulted from the 1993 tax increases.

It is a simple enough argument.

According to the other side, by raising taxes and taking more money out of the economy, the government successfully reduced the deficit.

Yet, as you can see from this chart, the Clinton administration's own Office of Management and Budget concluded that the 1993 tax increase accounted for only 13 percent of deficit reduction between 1990 and 2000.

As a percentage of deficit reduction, the 1993 tax increase ranks behind other factors such as defense cuts—and interest savings.

The message here is simple.

Tax increases did not drive deficit reduction.

It may seem counterintuitive, but raising taxes does not necessarily mean that revenues collected by the government, as a percentage of GDP, will increase.

Consider this chart, which compares changes in Federal revenues as a percentage of GDP for two key 4-year periods. Each of these 4-year periods was preceded by a major tax policy change.

The first 4-year period occurred after the 1993 tax increase was enacted.

The second 4-year period occurred after the Jobs and Growth Tax Relief Reconciliation Act of 2003 was enacted.

The Jobs and Growth Reconciliation Act was the second of the major tax relief bills enacted during the last administration. It featured reductions on tax rates of capital gains and dividends.

Let's take a look at the first of those 4-year periods in each case.

One year after the 1993 hike, we do see increased revenues.

One year after the 2003 tax cut, revenues drop.

But take a look at the second through fourth years following the adoption of each bill.

You will see that the trend of the first year reverses itself in the second year after the tax hike.

As the policies in both bills had time to take effect, the revenue patterns are clear. The positive change in revenue was generally greater after the tax cut bill than it was after the tax increase bill.

There is no doubt that our deficits are a serious issue. They threaten the future of our Nation. It is irresponsible, however, to say that our dire fiscal situation is the result of the government not extracting enough money from the people who actually earn it.

The President's budget, with its massive new tax increases and permanent deficits, demonstrates yet again that our problem is spending.

Our budget deficits are being driven by spending.

Spending has not grown arithmetically.

Spending has not grown geometrically.

Spending has grown exponentially.

Over the past few years, while Democrats exercised complete control over Washington, non-defense discretionary spending has grown by 24 percent. As I have said before, that figure does not even include the bloated stimulus bill, enacted in early 2009.

Yet these deficits continue to grow in spite of increased revenues.

On January 26, CBO published its Budget and Economic Outlook for Fiscal Years 2011 through 2021. I am going to quote from that report. By CB0's estimates, Federal revenues in 2011 will be $123 billion—or 6 percent—more than total revenues recorded two years ago, in 2009.

This increase in Federal revenues for 2011 includes the net effect from a 1-year across-the-board reduction in payroll taxes.

The important fact here is that revenues have increased over the past 2 years, and the deficit has still increased. Our deficit and debt problems are not being driven by tax relief.

Despite this evidence, many of my friends on the other side still see raising taxes as the best and only solution.

They want to fund out-of-control spending by taking even more money from the people who actually earn it.

Proponents of this approach know that the confiscation of what has been lawfully earned can be a hard sell.

That is the reason they resort to clever rhetoric, telling us that paying taxes is inherently patriotic.

Or we hear talking points about some people not paying their fair share.

These sound bites might sound good to the base, but they are not grounded in reality.

CBO has published a booklet entitled ''The Long-Term Budget Outlook.'' In

its most recent version CBO confirmed that Federal revenues have fluctuated between 15 percent and 21 percent of GDP over the past 40 years, averaging about 18 percent.

Because of the recession, revenues dipped to around 15 percent recently. But that should not deceive us into thinking taxes are abnormally low. Using current-law assumptions, CBO projected revenues to reach 23 percent of GDP by 2035.

Arguably, those current-law assumptions are unrealistic, since they assumed the bipartisan tax relief enacted in 2001 and 2003 would expire along with relief from the alternative minimum tax, at the end of last year.

Yet CBO evaluated an alternative, more realistic, fiscal scenario. In that scenario, CBO assumed that most of the tax relief enacted in 2001 and 2003 would be extended through 2020. It still assumed that tax relief would expire for so-called high-income taxpayers. But CBO did anticipate that AMT relief would continue, along with other deviations from current law.

Even using this alternative fiscal scenario, CBO found that revenues as a percentage of GDP would increase to just over 19 percent in 2020 and stay at that level for several years.

That is to say, in this scenario, the level of taxation would still be above the 40-year historical average of about 18 percent of GDP.

I want to briefly return to the January CBO analysis that I referred to earlier.

That analysis, which assumes that most of the components of the tax package enacted at the end of 2010 will continue to be extended, along with the modified estate and gift provisions also in that same legislation, calculates that annual government revenues will steadily increase going forward, but will still average about 18 percent of GDP through 2021.

I have spent the past few minutes discussing CBO projections of various policy scenarios.

I am sure this presentation has made for some very gripping television.

But the point I am trying to convey is a critical one.

The fiscal reality is that taxes are not abnormally low.

Continuing current tax policy yields Federal revenues at about the historical average of GDP for the past 40 years.

Increasing taxes on anyone, even so called high-earners, will push government revenues above the 40 years' historical average, as a percentage of GDP.

I know there are many who would still support raising taxes above this historical level.

The President made clear today that he certainly does.

But it is important to heed the words of the CBO before we raise taxes.

In its Long-Term Budget Outlook, CBO had this to say about a scenario where the bipartisan tax relief of 2001 and 2003 expired, along with AMT relief.

According to CBO:

> Marginal tax rates on income from labor and capital would rise considerably under the extended-baseline scenario. The increase in the marginal tax rate on labor would reduce people's incentive to work, and the increase in the marginal tax rate on capital would reduce their incentive to save.

The basic point I am making is that tax hikes are not like finding a pot of gold at the end of a rainbow. That money comes from somewhere, and there will be consequences to redistributing it.

Moreover, as we saw in the budget released today, even spiking taxes by over $1.6 trillion will not help us to balance our books.

Abnormally high spending drove the deficits of the past. It is driving the deficits of today. And it will drive the deficits of the future.

Some folks, in response to the question of whether the President is triangulating after the drubbing Democrats took in November, have answered no. He's just being himself.

You can say that again. He supported big government as a community organizer. He supported it as a Senator, on this floor and in committees.

He supported it as a presidential candidate, and he supports it today.

But the stakes are higher now.

He is the Nation's chief executive, and ultimately the President is responsible for guiding our Nation through the treacherous waters of an impending fiscal crisis. These are not easy shoals to navigate yet the statesman cannot shirk his duty.

As Senator Henry Clay once put it, ''I would rather be right than be President.''

Some things are bigger than the next election, and getting our deficits under control is one of those things.

The American people know that President Obama's budget is not right.

The present administration is spending almost 25 percent of our GDP, historically high except during and shortly after World War II. The last time we had that kind of expenditure was in 1950. That is why I am so strongly for a balanced budget constitutional amendment. I wish we did not have to go to that, but I don't see any other way we will get spending under control because I think Congress has been institutionally incapable of bringing down spending.

One reason is that with the help of the mainstream media, Members of Congress actually believe they will be kept in office by spending, and up to now that has been pretty true. But the American people are starting to wake up, they are starting to realize that, as sincere as my colleagues are on the other side, their economic policies are corrupt—maybe ''corrupt'' is too strong word, but it is wrong, definitely wrong.

We know the American people are not going to stop demanding real leadership on this issue. I feel badly because I know I personally like the President. There is no question about it. I showed him great friendship when he was here. I have shown him friendship since he was elected.

We all know that in order to resolve these problems we have to get entitlements under control. As good as some here in Congress are, we can't do it without Presidential leadership. We just can't.

I have a suggestion for the President. He would go down in history as one of the truly great Presidents if he would work with us, work together, bringing bipartisan people together and work to resolve these conflicts. You cannot do it with just 15 percent of the budget and you cannot do it with just tax increases. You cannot do it with an ever-expanding Federal Government. You cannot do it with an ever-expanding set of Federal employees. You cannot do it with ever-expanding regulations—although some of them are important. All of these things may be important, but you can't do it with those concepts. The only way you can do it is to get in and take the whole budget and work with both sides and see what we can do to bring people together and see if we have the courage to resolve these problems, not only for today but for our kids and grandkids, and, in my case, great-grandkids as well, hereafter.

I don't want the President to fail, but I have to point these things out. Let's face it, he is getting some very poor advice. Even when he wants to come to the center he gets rapped hard on the knuckles by the far left of his party, most of whom are far left, as least those here on the floor.

There are very few moderates on the Democratic side. I found most of the people who are moderates are moderate when their vote doesn't count. I think if you go back and look at the record you will find that to be true. The vast majority of our friends on the other side believe we should keep spending, keep taxing, and that will keep them in power. But all the power in the world doesn't count if we are wrecking the greatest country in the world.

I think our side has to wake up a little bit, too. We can't just do it with tax cuts either. On the other hand, I would rather have tax cuts that spur on the economy and create small business jobs than continue to spend us into oblivion.

Nevertheless, we are all going to have to work together if we are ever to get this problem solved. The only way I know to solve it is through Presidential leadership combined with courage on the part of Members of Congress.

But what they are pursuing with this budget is pathetic. There are so many budgetary gimmicks in this bill that it is plain pathetic. I will repeat what I said earlier; that is, the little over a trillion dollars, $1.1 trillion, in deficit reduction this budget will achieve over 10 years is barely $100 billion a year.

The total proposed deficit reduction is not even as much as our deficit for this year alone. During those 10 years, there will be hundreds of billions, if not trillions, of dollars of additional deficits until we reach a point, in about 2022, where we will be around $22 trillion in debt.

I do not know about you, Mr. President, or anybody else in this Chamber, but I think it is time for us to start standing up. I think it is time for the President to lead. I think the Democrats who have control of the bureaucracy ought to start working with us on to get that bureaucracy trimmed down. Let's consider the one aspect of constitutional politics that has worked; that is, allowing 50 States to participate, and through 50 State laboratories we can pick and choose the things that work best. Had we done that with health care, we would not be in the mess health care is today, and the oblivion it is headed for.

We cannot fix this deficit problem with tax increases. Frankly, my experience has been that tax increases do not work. What does work is giving the small business sector incentives, real incentives, not ''investments'' but real incentives to keep creating the 70 percent of jobs that only the small business sector can do.

If we increase those taxes, we are going to be in a mess. I can tell you, the budgeteers at OMB and CBO, as sincere and dedicated as they may be—I like Mr. Lew very much, and I think Mr. Elmendorf is a very fine budgeteer and economist—are always low in their estimates of deficits. It could be much worse than what we know right now. I hope we will have the guts, I hope the President will have the guts to lead, and I hope we would have the guts to follow that lead, and hopefully turn this ship of state around.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I want to talk on Essential Air Service, but I do want to make a couple of comments after hearing my colleague from the other side talk about the budget. I want to assure him, there are some moderates over here who understand the value and the managing of the budget. If someone comes from Alaska, you know we support gun rights, oil and gas drilling, we support a lot of things as Democrats that the Senator may not be aware of.

But the other thing is, leadership is about all of us working together. I look for the President's budget, but that does not mean we are going to sit here and wait for him to make all of the decisions. We have a responsibility here. I know last year, I sat here and voted for the Sessions-McCaskill amendment that would have reduced some of the spending, controlled some of the spending. We could not get all of the votes on the other side to make it happen.

I supported every dime that came back from the TARP repayment to go to pay off the deficit, which now we are close to 80 percent or better of that money coming back, maybe as much as 90 percent. I supported the Gregg and Wyden legislation, a bipartisan effort to deal with tax reform to get corporate rates from the second highest in the world back to about midstream; lowering the six individual rates down to three rates; making it simplified so people can fill out their taxes on one form, and getting rid of a bunch of loopholes.

It is the combination of all of us that will create leadership. It is not one person; it is not one President. It is Republicans and Democrats and Independents sitting on the floor making tough decisions, not a bunch of political speeches. Let me end there and get to the topic I wanted to talk about. At some point I will come down here and talk about the budget as it is rolled out. I know on the Budget Committee we will have plenty of presentations on that.

I came down here to talk about Essential Air Service. I want to thank Chairman ROCKEFELLER and Senator HUTCHISON for their leadership on this very important bill. They have worked tirelessly to pass this bill in the 111th Congress, and they are again putting in long hours on it this year.

The bill before the Senate is an incredibly important piece of legislation. The FAA bill is about creating jobs. It puts Americans to work rebuilding our Nation's deteriorating airport infrastructure. It modernizes our air traffic control system to reduce congestion in the skies, and it makes our Nation's air space safer and more efficient.

There are so many important reasons why we should succeed in passing this legislation, which passed the Senate 93 to 0 last year. Even in a year that was marked with contentious and partisan battles, this FAA bill was truly a bipartisan piece of legislation, and this can largely be credited to the hard work of Chairman ROCKEFELLER, Senator HUTCHISON, and their staffs.

This bill has been delayed far too long. We are currently on the 17th short-term extension since the last comprehensive FAA bill expired in 2007. We owe it to the American people to help reduce airport delays, put Americans back to work, and provide the 21st century air space our Nation needs to facilitate commerce and compete in a world economy.

This bill is especially important for States such as mine. Aviation is the lifeblood of Alaska. It is truly our highway in the sky. We have six times more pilots and 16 times more planes per capita than the rest of the country. In Alaska small planes are the equivalent of minivans in the lower 48. They are how Alaskans get around.

I wish to talk briefly about the Essential Air Service Program, which is vital to my constituents. My friend from Arizona has introduced an amendment which would repeal the Essential Air Service Program. I truly have grave concerns for what this would mean, not only for my rural Alaskans but for rural Americans as a whole.

The Essential Air Service Program originated at the same time as airline deregulation in 1978. When airline deregulation passed, it gave airlines almost total freedom to determine which markets to serve domestically and what fares to charge for that service. This is not a bad thing. Some good things came out of airline deregulation. It fostered competition among airlines. It brought down ticket prices for many air routes between large urban centers.

But when Congress passed airline deregulation, it also recognized that something needed to be done to protect rural communities. They were not the most profitable routes for air carriers, so the idea was to maintain a minimum level of service. That is where the Essential Air Service Program came in. The program provided modest subsidies to air carriers to provide service to communities that would have otherwise lost all air service through deregulation. Since 1978, the Essential Air Service Program has successfully guaranteed small communities that were served by certified air carriers before deregulation that this would maintain a minimum level of scheduled air service. The program has been a vital link for rural America.

There are very real consequences to eliminating this program for my constituents, especially in the 44 communities served by the EAS Program. Let me show you this poster. This poster shows Alaska's limited road infrastructure. Eighty-two percent of Alaska's communities are not on the road system and rely on aviation as a primary means of transportation, for goods, people, mail. It all has to come by aircraft. Let me not confuse those who are watching. We did not oversize the State of Alaska. Alaska does not sit down here by California or in a little box somewhere. This is actually the size of Alaska in comparison to the lower 48.

The red lines show the road network. You can imagine the road network that would be shown in the lower 48. But this is all of the road network we have. So for the rest of the State it is by air or boat. People in communities face some of the highest costs of living in the country. Rural Alaskans cannot drive to a Safeway when they need something. There are no roads, and there are no Safeways. If you eliminate the EAS Program, it is going to drive these prices even higher in rural Alaska.

Gary Williams, from the village of Kake, sent me a letter about what the McCain amendment would mean for his community. By the way, the EAS ensures Kake receives at least three weekly flights from a small Cessna 208 aircraft during the winter. Again, this is not a jetliner. Maybe in Alaska we think a Cessna 208 is a jetliner, but that is a very small plane.

Gary Williams in Kake says:

I frankly cannot imagine being without service. It would isolate and cripple us on many levels.

In addition to eliminating the only source of transportation for many communities, Senator MCCAIN's amendment would actually put people out of work. It would hurt small businesses in Alaska and across this country. It is truly a job-killing amendment.

I wish to read from a letter my office received from the owner of PenAir. PenAir is a family-owned business, started in 1955 by a young 19-year-old teenager named Orin Seybert. When Orin started his business in 1955, he had a two-seat Taylorcraft and a four-seat Piper Tri-Pacer. Orin is a great example of the pioneering spirit that embodies Alaska. Over the years Orin grew the business into a successful regional air carrier, serving communities throughout rural Alaska. PenAir is now run by Orin's son Danny. This is a letter from Danny Seybert, the president of PenAir:

For many of these communities, PenAir is the only scheduled passenger air service link to the rest of the world.

He goes on to say if the McCain amendment is passed, it:

would have a devastating effect on many remote communities in Alaska, on many air carriers who provide those communities with air transportation services, and on Alaska's economy.

Here is an e-mail my office received from the Copper Valley Air Service. Copper Valley flies two EAS routes serving the communities of McCarthy and May Creek. The e-mails read:

If this amendment is approved, it will put Copper Valley Air Service out of business. It will cost eight jobs. This cannot pass.

This is an e-mail from Bruce Phillips, the chief pilot of Wings of Alaska: Repealing EAS would ''not only diminish jobs and raise costs, but also potentially abolish air service to some communities entirely. Villages in Southeast Alaska have no roads and limited, if any, ferry service making air service a lifeline. This is how they receive everything from medication to mail to groceries as well as how they travel for medical, personal and business.''

I have got a stack of these letters that my office has received in the past few days from communities that would lose air service if the McCain amendment is adopted, from individuals in the communities who are terrified about what this would mean for the price of goods in their communities, from those worried about the cost of air travel if they get sick and they need to seek medical attention at a hospital, and from small air carriers worried that they will either have to lay off employees or go under altogether.

I ask unanimous consent that some of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTON SOUND HEALTH CORPORATION,
Nome, AK, February 2, 2011.

Senator MARK BEGICH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: We are extremely concerned and worried by Senator McCain's efforts to repeal EAS in Alaska. We know that these efforts will more than double ticket prices within rural Alaska. Just for our Materials Management department alone we spent over $46,000 in freight from October 2009 to October 2010. Norton Sound Health Corporations expenditures for freight, company-wide exceed $250,000 for that same time period.

We are asking you to please speak against the repeal of EAS in Alaska. People in rural Alaska will be terribly affected by the repeal if it passes. Recruitment and retention for medical professional staff is dependent on our ability to fly staff and household goods to our region. If passed, the repeal will more than double the costs of transporting goods, patients, critical service workers and will have an insurmountable affect on an already challenged economic situation in rural Alaska.

At Norton Sound Health Corporation we rely completely on travel to provide critical patient access to and from our villages. Air transport is the only way to bring patients into Nome, our regional hub, and to Anchorage, when needed, for appointments. We rely entirely on the Essential Air Services for keeping the cost of transporting medicine and supplies to an already exorbitant minimum.

Sincerely,

CAROL J. PISCOYA,
President/CEO.

NANA REGIONAL CORPORATION, INC.,
February 2, 2011.

Hon. MARK BEGICH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BEGICH: I am writing you to express NANA Regional Corporation's (NANA) opposition to Senate Amendment 4 to S. 223, the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act, which proposes elimination of the Essential Air Service (EAS) program. Dismantling the EAS program will create an unreasonable burden on rural Alaskans; further increasing the already high cost of living, further limiting rural residents' access to basic services, and potentially increasing rural Alaska's already high rate of unemployment.

As you know, the majority of communities in Alaska are not connected by any road system. Many of these communities are surrounded by lands that are federally protected from basic roadway transportation infrastructure or located in areas where building bridges is not economically feasible. Weather also limits transportation to many of these areas of the state.

Air transportation is the only year-round means of accessing most rural Alaska communities. Air freight brings essentials supplies like food, home heating fuel, transportation fuel, construction materials, vehicles, medical supplies and other goods and services to our villages. Even with EAS in place, the cost of air transportation affects all aspects of rural Alaskans' lives, affecting the consumer price of most goods. Transportation costs dramatically affect the cost of living in Kotzebue, the NANA region's hub village, where the cost of living is 61 percent higher than Anchorage, Alaska's most urban city located on a road system.

In addition to living costs, the cost of air transportation affects rural Alaskans' ability to access basic services that are available to urban Americans or Americans connected to a road system. Air transportation is often the only access that rural Alaskan's have to critical medical care that cannot be supplied locally. Public safety is also affected by access to air transportation. Many communities do not have local public safety officers and, in the event of an incident, public safety officers have to be flown into communities.

The EAS program exists to ensure rural communities have access to air transportation services despite the fact that they have a limited number of passengers to offer certain air carriers. As you know, 45 communities in Alaska receive financial support from the EAS program and with most of these areas receiving guaranteed service, even if it is not subsidized, because of the EAS program.

The EAS program has a profound economic affect on our region and all of rural Alaska, creating reliable air service and making air transportation affordable for most rural Alaskans. Eliminating this essential program would create further barriers to the success of the most rural reaches of our state. Organizations in Alaska, including NANA, are working hard to create viable rural economies. Eradicating the EAS program would strike a significant blow to the progress these organizations have been able to make.

It is important for citizens of the United States to have reasonable access to the rest of the country. EAS guarantees Alaskans, who are citizens of this great nation, the same access afforded to Americans who live in areas of the country where the federal government has spent trillions of dollars to develop surface transportation alternatives. Preserving the EAS program will ensure that our rural Alaska communities are not forgotten as Congress and the federal government work to improve our national economy. NANA supports the EAS program and it is our hope that SA 4 to S. 223 will be defeated.

Taikuu,

MARIE N. GREENE,
President/CEO.

CALISTA CORPORATION,
Anchorage, AK, February 1, 2011.

Re SB 223 Repealing Essential Air Service.

Senator MARK BEGICH,
Russell Senate Office Building,
Washington, DC.

HONORABLE SENATOR BEGICH: Senator McCain has introduced amendments to bill S. 223, to modernize the air traffic control system, improve safety, reliability, availability of air transportation in the United States, provide air traffic control modernization, reauthorize Federal Aviation Administration, and repeal Essential Air Service subsidy program (EAS). We strongly oppose any actions to repeal the EAS program for the eligible communities for which it was intended for.

The essential in EAS is just that: ''Essential'' to the access, survival, and economy of isolated and rural communities throughout America, as well as Alaska which do not have alternatives:

The EAS program was intended for—and has successfully kept—scheduled air service to those cities and rural Alaskan communities that were served at the time of deregulation, and, which would otherwise lose or have lost ALL air service after the airline deregulation of 1978, and in any anticipated subsequent and more recently poor market conditions.

EAS ensures small communities served by air carriers before the deregulation, can maintain minimal service to retain their

link to the national air transportation system. It guarantees air service even during: low passenger volumes; low profitability to air carriers; less than ideal operating conditions (great distances and remote areas, weather, and mountainous terrain); and periods where air carriers will simply leave for better, easier, and more profitable market areas.

EAS provides and maintains stability to the National Aviation Transportation System and network in America, by ensuring the system is not overly modified or changed suddenly, again simply due to carrier profitability in some communities or areas at the expense of those smaller and less profitable markets.

EAS keeps ticket prices to MANY smaller rural communities down. As an example, even with EAS subsidies, ticket costs to some communities can be over $1,100, such as Adak, Alaska, and other cities ranging in population from 35,000 to a few hundred. Nearly every community in Southeast Alaska depends on EAS to receive jet and even any scheduled air service in that area. Without EAS, ticket prices would more than DOUBLE costs of air travel to RURAL communities throughout Alaska; as well as in many cities throughout the U.S.

In Alaska, EAS provides funding subsidies to 44 of 300+ communities, with 38 of those relying on aircraft as the primary access and transport mode because there is NO other transportation access alternative—they are completely isolated from any roads.

The EAS program provides an average $285,559 community subsidy in Alaska, as compared to the average subsidy in other U.S. communities of $1,495,505. Other U.S. communities actually have roads and other transportation mode options and backup.

Unlike most parts of the U.S. with a long history of infrastructure building and access to well established National Transportation System roads, highways, railroads, buses, ferries, and airports; Alaska is a new state and the only state in the union where a majority (82 percent) of our 300+ remote communities are inaccessible and unlikely (due to being largely or entirely surrounded by Federal wilderness, preserves, park, and restricted lands) to ever become accessible by roads! This problem was realized during the original drafting, debates, and establishment of the EAS program. Airports and airways in Alaska have had to by necessity, had to serve as 'highways' in order to provide reliable, scheduled air service that would become essential to the health, safety, economy, and literally survival of people living in our state. We have 8 times the enplanements and 39 times the freight per capita compared to the rest of the U.S.; and aviation provides 1 in 10 jobs and is the 5th largest employer in Alaska.

Even the smallest of air carriers often provides a full or part time job in most communities they serve assisting with schedules, passengers, and cargo; while, each runway and airport also has an employee to maintain and operate the smallest of facilities. Airport, carrier, and related service positions provide critical jobs that help support the economy and rural communities.

A better solution (rather than repeal an entire important program such as EAS), would be updating the criteria utilized for EAS eligibility; as well as, including consideration of what nearby airports, carriers', and modes of transportation communities have for access options to receive EAS program funds.

In summary, complete elimination of EAS could destabilize some small communities, would have an extremely negative impact on the integrity of Alaska's interconnected aviation system, and seriously reduce air service. EAS has been and will continue to be critical for the aviation transportation system network, provides important jobs, and enables access for rural isolated communities across America.

Thank you for your attention and consideration to this serious matter. Please do not hesitate to contact us with questions, or if we can assist in defending this essential program (907) 644–6309.

Sincerely,

CHRISTINE KLEIN, AAE,
Executive Vice President & COO.

ORGANIZED VILLAGE OF KAKE,
Kake, AK, February 1, 2011.

Re Essential Air Service to Rural Alaska.

Senator MARK BEGICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: Our office received word late this afternoon that was released by the Alaska Air Carriers Association, reporting that a bill (or amendment to a bill) is being introduced in the Senate for the repeal of the Essential Air Service program. This program serves rural areas throughout the U.S., including many areas in Alaska. Further, we understand that you will be speaking tomorrow against this bill; thus, we are providing this letter in the hope that it can assist your efforts, and we are confident similar efforts from Senator Murkowski and Congressman Young.

As fellow Alaskans, we all know the need to retain the Essential Air Service program for our rural areas. Loss of the program would be crippling to the many rural communities that rely on it—its title so accurately describes its function—it is ''essential'' to the health & welfare, economy, education, and the list goes on and on. All of these communities are an integral part of the fabric of Alaska and we cannot let them be unjustly harmed, which would surely occur if a necessity as basic as transportation is crippled.

Each community has a story, with many similar needs around the State, and ample justification to retain the Essential Air Service Program. Allow me to briefly share our situation, with the hope that it can assist in the defense of this important and essential program. The community of Kake is located on an island in Southeast Alaska and is without road access to other communities. We are extremely reliant on safe and effective air service for basic transportation to/from other cities for health care, business, education, pleasure, etc.—essentially any goods or services that require a transportation connection. In addition to passengers and freight, reliable and daily delivery of U.S. mail to/from Kake is critical for both business and personal. The reasons for this necessary service to Kake are based on essential requirements that will allow the community to function and live in today's society—with an adequate number of daily flights absolutely required to meet those needs.

Please feel free to contact our office for further information and as always, thank you for your efforts on behalf of our community and others around our great state.

Sincerely,

CASIMERO A. ACEVEDA,
President.

PENAIR,
Anchorage, AK, February 1, 2011.

Re Essential Air Service in the State of Alaska.

Hon. MARK BEGICH,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BEGICH: I am President and Chief Executive Officer of Peninsula Airways, Inc. (''PenAir''), the largest commuter airline in Alaska with several hundred employees. PenAir provides critical passenger, cargo, and mail services to dozens of remote communities throughout southwestern Alaska, from the Aleutian Islands in the west to Unalakleet in the north, to our base at Anchorage in the east. For many of these remote communities, PenAir is the only scheduled passenger air service link to the rest of the world.

It has come to our attention that an amendment has been proposed in the U.S. Senate to eliminate the federal government's Essential Air Service (''EAS'') Program. Such an amendment, if passed, would have a devastating effect on many remote communities in Alaska, on many air carriers who provide those communities with air transportation service, and on Alaska's economy. Accordingly, PenAir respectfully asks that you vigorously oppose any such amendment.

The EAS Program was established by the U.S. Congress to ensure that smaller communities would retain a link to the national air transportation system even if federal subsidies were necessary to maintain such service. It is a particularly important program for Alaska because, as you well know, the federal government's ownership of lands in Alaska and the limited access to those lands means that air transportation is the only way to reach most rural communities in Alaska.

For its part, PenAir currently provides subsidized essential air service to the remote communities of Akutan, Atka, and Nikolski. Other small and large air carriers provide subsidized air service to dozens of other communities throughout Alaska.

Without the EAS Program and corresponding federal subsidies, service to these remote Alaskan communities would simply not be economically viable, and therefore these services—including PenAir's scheduled Atka, Nikolski, and Akutan service—would be discontinued. As a result, the residents and businesses in these communities would lose their only scheduled passenger air transportation service, effectively cutting them off. PenAir would also be compelled to reduce the ranks of its employees and its aircraft fleet as its route network contracted with the discontinuation of these essential air services. And, of course, with the loss of these scheduled passenger air services and the jobs associated with those services, Alaska's economy would suffer greatly as well. In sum, the elimination or repeal of the EAS Program would have devastating effects on the remote EAS communities in Alaska that rely on these services and on the air carriers that serve them.

PenAir therefore respectfully asks that you vigorously oppose any such elimination or repeal of the EAS Program.

Sincerely,

DANNY SEYBERT,
President.

TO WHOM IT MAY CONCERN: I would like to express my immense concern over Senator McCain's amendment to bill 223 proposing to repeal Essential Air Service. This would not only diminish jobs and raise costs but also potentially abolish air service to some communities entirely. Villages in Southeast Alaska have no roads and limited, if any, ferry service making air service a lifeline. This is how they receive everything from medication to mail to groceries as well as how they travel for medical, personal and business.

Air carriers cannot afford to personally subsidize service into small communities whose population is not great enough to support air service. Disruption in air service

will have deep reaching effects that are far removed from simply loss of airline service, loss of airline service may well affect the viability of some communities that we presently serve.

Sincerely,

BRUCE PHILLIPS,
Chief Pilot.

40-MILE AIR,
Fairbanks, AK, February 1, 2011.

TO WHOM IT MAY CONCERN: We serve two communities under an Essential Air Service contract Then communities are in remote, road less areas of Alaska. These communities, others like them and businesses like ours will be economically devastated if the Essential Air Service contract was to end.

Their ability to get essential things, like groceries and medications will become very difficult and cost prohibitive. I believe communities that do not have year round roads should continue to receive Essential Air Service subsidies.

Thank you for your time and consideration.

Sincerely,

LEIF WILSON,
President.

ALASKA AIRLINES,
Seattle, WA, February 2, 2011.

Hon. MARK BEGICH,
U.S. Senate,
Washington DC.

DEAR SENATOR BEGICH: We are writing to express our concerns regarding Senator McCain's proposed amendment to the pending FAA reauthorization bill to repeal the Department of Transportation's Essential Air Service program. Given the vital importance of the EAS program to the state of Alaska, we are opposed to any modifications to the program that in any way affect EAS service in the state.

The EAS program is part of the critical transportation infrastructure in the state of Alaska. On a statewide basis, the EAS program provides compensation for service by 13 carriers to 47 communities. Quite understandably, no other state has comparable air service needs. Without it, many parts of the state would suffer from lack of connectivity to the larger cities within the state and beyond. Alaska Airlines operates under two EAS agreements in the state of Alaska, one to serve Adak and the other to serve the Southeast Alaska communities of Cordova, Gustavus, Wrangell, Petersburg and Yakutat. Under these agreements, we connect these communities on a single-flight basis to our Anchorage, Juneau and Seattle hubs, providing for both their passenger and cargo needs. It also bears mentioning that, in enacting EAS legislation, Congress recognized the state of Alaska's special needs by providing that the EAS program would uniquely cover cargo as well as passenger service in the state. As you are very much aware, these EAS communities are extremely remote and not accessible by road. Air service is truly ''essential'' for them.

Alaska's air service to Adak and these Southeast Alaska communities would simply not be economically feasible without EAS compensation. Alaska Airlines, having provided EAS service to these communities for decades, views its relationship with them as extending well beyond a traditional commercial airline relationship. The company readily acknowledges its special continuing obligation to serve as their vital transportation link to our hubs within the state and beyond. The EAS program is critical to our ability to provide such service.

We sincerely appreciate your support for the program and respectfully encourage you to oppose Senator McCain's amendment.

Sincerely,

W. L. MACKAY,
Senior Vice President.

ALASKA AIR CARRIERS ASSOCIATION,
Anchorage, AK, February 2, 2011.

Hon. MARK BEGICH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: The Essential Air Services program allows 45 communities in Alaska to be connected to life sustaining services. Alaska is approximately ⅓ of the communities served under EAS contracts, however, expenses to serve these 45 communities are less than 10% of the EAS program.

Alaska has the largest aviation system in the US, which includes 700 airports and 1,200 airstrips. Over 10,000 aircraft are registered in the State of Alaska. These aircraft are the backbone of transportation for the State. Alaska is served by 304 certificated carriers, of which over 90% employ less than 10 employees.

Eighty-two percent of our communities are not accessible by road and rely on air transport for all life sustaining goods and services. Alaska's people travel by air eight times more often per capita than those in rural areas of the Lower 48, and ship 39 times more freight per capita—nearly one ton per person per year.

Aviation in Alaska provides $3.5 billion to the State's economy, is eight percent of the Gross State Product, and is the fifth largest employer in the State, employing 10% of our total workforce.

Since 1966 the Alaska Air Carriers Association (AACA) has represented the interests of aviation businesses in Alaska. AACA is a statewide organization representing over 150 members. Our members meet the needs of the traveling public and rural Alaskans by providing scheduled commuter travel, on-demand air charter, cargo transport, mail delivery, emergency medical evacuation, flight seeing, pilot training, aircraft maintenance, parts sales, fuel sales, storage, rental, and airline servicing.

Please help insure that the viability of communities in Alaska and small businesses struggling to survive are not unfairly swept away or categorized alongside communities on road systems in the Lower 48.

Sincerely,

C. JOY JOURNEAY,
Executive Director.
GERARD H. ROCK,
President.

ALASKA FEDERATION OF NATIVES,
Anchorage, AK, February 13, 2011.

Re AFN BOARD RESOLUTION 11–04, SUPPORTING THE CONTINUED FUNDING OF ESSENTIAL AIR SERVICES PER S. 223.

Hon. MARK BEGICH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BEGICH: On behalf of the Alaska Federation of Natives (AFN), thank you for opposing the proposed McCain amendment repealing Essential Air Services (EAS) as it affects the air transportation services to communities in rural Alaska. EAS is a program that was set in place when the airline industry was deregulated, and it was intended to provide a notice and subsidy when community (that had regularly scheduled service as of 1978) received notice that it would no longer receive regularly scheduled air service.

The significance of the EAS program in Alaska is that it provides a vital link that connects, sustains, and maintains our communities in rural Alaska. The communities that depend on EAS would be effectively cut off from the rest of the United States resulting in the cessation or decreased delivery of mail, food, and fuel to most rural parts of the United States, and particularly in rural Alaska, if the McCain Amendment is enacted.

The attached AFN Board Resolution 11–04 was passed unanimously by the Board of Directors of AFN in a duly called meeting where a quorum was present. This resolution fully supports your efforts on the floor of the U.S. Senate as the U.S. Senate is considering S. 223. Keep up the good fight!

Sincerely,

JULIE E. KITKA,
President.

RESOLUTION 11–04
SUPPORTING THE CONTINUED FUNDING OF ESSENTIAL AIR SERVICE

Whereas: The U.S. Senate is considering S. 223 to ''modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;'' and

Whereas: Senator John McCain has proposed an amendment to repeal Essential Air Service (EAS), and its repeal will likely have a negative impact on air transportation and communities in rural Alaska; and

Whereas: EAS provides a vital link that connects, sustains, and maintains our communities; and

Whereas: Alaska is a vast state, with millions of acres of wilderness and has few transportation options and ground transportation is non-existent to most rural communities; and

Whereas: EAS is a program that was set in place when the airline industry was deregulated, and it was intended to provide a notice and subsidy when community (that had regularly scheduled service as of 1978) received notice that it would no longer receive regularly scheduled air service; and

Whereas: The communities that depend on EAS would be effectively cut off from the rest of the United States, which would result in the cessation or decreased delivery of mail, food, and fuel to the most rural parts of the United States; and

Now therefore be it *Resolved by the Board of Directors of the Alaska Federation of Natives,* That it conveys its thanks and support to the Alaska Congressional Delegation for its support and effort to maintain the Essential Air Service (EAS) as it now exists and respectfully urges them to continue to oppose any legislation repealing EAS as it applies to Alaska.

Passed This Day, 10th of February 2011.

JULIA E. KITKA,
President.

Mr. BEGICH. It is easy to call this wasteful if you do not understand the needs of rural communities. They do not have any other means of transportation. When he introduced the amendment, my friend in Arizona suggested that folks are bypassing Essential Air Service flights to drive to a hub and the hub airports, where they can get cheaper fares to more destinations. Consider how that applies in my State. For the community of Adak, in the Aleutian Islands, the connection to the nearest medium hub is Anchorage. I laugh a little bit, because I want to put this truly in perspective. It is almost 1,200 miles.

So if one wants to, as Senator MCCAIN says, drive to the hub, they can't do that because they are here. In order to get to here, they have to go by air or catch a boat, assuming the weather is good. So his analysis that the people are just driving off to these hubs and catching flights that are cheaper is inaccurate. He is unfamiliar, obviously, with what is going on in Alaska.

To put the number in perspective, it is about the same distance from Los Angeles to Houston, except, unlike Los Angeles and Houston, there are no roads between these two places.

I agree with Senator MCCAIN that we need to do something to address our Nation's budget deficit. Before I started this conversation, I made some comments on things I have done, and I will continue to work on that. But I don't believe we should balance the Federal budget on the backs of communities and people facing some of the highest costs of living and the toughest conditions in the country, and that is exactly what the McCain amendment would do.

When Senator MCCAIN introduced this amendment, he cited a July 2009 GAO report and suggested that the EAS has outlived its usefulness. I have that very same report. Sometimes when people make speeches, they read selectively. I wish to go to page 2 of this report. There, the GAO said:

> Our review focused on communities within the continental United States—

We like to refer to them as the lower 48—

> that received EAS subsidized service. We focused our review on these communities because the requirements for communities in Alaska are different than for communities in other states, and airports outside the contiguous states are not representative of the program in the rest of the country.

I can't speak for Senator MCCAIN's constituents in the four communities in Arizona that receive Essential Air Service. Maybe the folks of Kingman, Page, Prescott, and Show Low, AZ, who receive EAS don't think it is necessary. I am not sure if Senator MCCAIN has checked with them; maybe that is how they feel. But I can speak for rural Alaskans who have contacted my office, who are terrified about this amendment and what it would mean for their community, for their way of life, for the very health and well-being of their families. We are in the midst of a recovery from an economic collapse. It makes no sense to eliminate a valuable program that helps rural America and puts small business to work.

This amendment would take us in the wrong direction. I strongly urge my colleagues to oppose this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET

Mr. DURBIN. Mr. President, each year the President presents a budget. It is the beginning of the formal conversation about what next year's budget will be, and each President presents their offering and their suggestion. Then, of course, the House and the Senate have to try to reach an agreement as to what the actual budget will be. The President suggests a bottom line in spending, and then the House and the Senate make appropriations decisions within that bottom line.

Today, President Obama kicked off this conversation by presenting his budget to America. He presented it at a time when he faces two very significant challenges: how to create more jobs and less debt. It is a tough balancing act because we know that to reduce the debt, we need to reduce spending. What the President reminds us is, let's not cut spending in areas that are critical for the growth of our economy and the creation of good-paying jobs in America.

The unemployment rate is about 9 percent. Mr. President, 13.9 million Americans are out of work. In Illinois, it is 9.3 percent, with 620,000 people actively looking for jobs. Too many people want to work so they can keep a roof over their heads but cannot find a job.

At the same time, though, we have a $14 trillion debt. I hope the Presiding Officer will forgive me for a little history because I think it is worth noting when we talk about the debt of America how we have reached the point we are at today.

The fact is, 10 years ago—10 years ago—when President William Jefferson Clinton left office, the debt of America was $5 trillion. The President said to his successor, President George W. Bush: The budget is in surplus as I leave office. We are collecting more money than we are spending in Washington, and we project a $120 billion surplus in the next fiscal year. Welcome to Washington, President Bush.

Now fast-forward 8 years later—the next transition, from President George W. Bush to President Obama. What was the state of play? The national debt was no longer $5 trillion; 8 years later, it was $12 trillion—$12 trillion. President George W. Bush said to President Obama: Welcome to Washington. I can't give you a surplus, but I can give you a deficit of $1.2 trillion for the next fiscal year.

In 8 years, what a massive turn of events. How did we go from a $5 trillion debt to a $12 trillion debt? How did we go from surplus to deep deficit in 8 years? Well, you do it by waging two wars you do not pay for, being the first President in history to call for tax cuts in the middle of a war, and by creating programs, such as the Medicare prescription drug program, that are not paid for. Put those policies together, and you end up with the sorry state of affairs President Obama inherited. Now that deficit has gone from $4 trillion to $14 trillion because of the recession he inherited, and we are still struggling to get out from this mountain of debt that was created during the 8 years of the President George W. Bush administration and continues to this day.

So President Obama is trying to strike the right balance: How do you responsibly go after a deficit that calls on us to borrow 40 cents for every $1 we spend and at the same time not kill the economic recovery? So he has tried to parse out those things that he thinks and I agree are critical for economic growth: education, innovation, and building America's infrastructure. He has done it with this budget and I think done it in a responsible way. He calls for freezing our spending for 5 years, which will save us $400 billion off of the anticipated deficit, and he also talks about in the same period of time reducing the amount of money for domestic discretionary spending to a level, as a percentage of GDP, where it was under President Eisenhower back in the 1950s. We understand there is more to do, but I think the President sets out on a course that is responsible. We will change it—we always do—but I think the goals he has given us are worthy goals.

We know we have to act on our fiscal situation. I was appointed by the majority leader to be a member of the President's deficit commission. With Erskine Bowles, a former chief counsel to the President, and Alan Simpson, our former colleague in the Senate, our bipartisan Commission studied it for 10 months and came up with a proposal that we should deal with this budget deficit in a sensible way.

One of the things they suggested and I agreed with is, let's not cut too soon. If you cut too soon in some areas, you are going to spoil the recovery, you are going to slow down the recovery. You have to make sure the investments are there that will help us build jobs.

Now, the House Republicans see things differently. They started calling for cuts in spending and then were trumped within their own membership to raise those cuts to a level of about $100 billion. Among the things the House Republicans want to cut are the following: $74 million from the Small Business Administration at a time when small businesses are turning to the SBA for loans so they can stay in business and hire more people; $1.4 billion from the clean water revolving loan fund that local communities use for basic infrastructure so they have good, clean drinking water for the families in their communities; $600 million in TIGER II grants. These were grants that went directly from Washington to local units of government—no middleman involved at any State capital—for

economic development. We need them in my State in communities such as Peoria and Moline. They also want to cut $2.5 billion from high-speed rail. That is a national project of significance that hires thousands of private sector employees who would be out of work if the House Republicans have their way.

In education, the House Republicans would cut $1.1 billion from Head Start. How many people have to remind us if we don't intervene in the lives of small children from families at risk, that those kids, sadly, may end up as poor students or worse. Head Start gives them a chance, and it is one of the first programs the Republicans called to cut.

They propose to cut $700 million from schools across America serving disadvantaged students. They are going to have to lay off 10,000 teachers because of this House Republican cut.

House Republicans also call for an $845-per-student cut in Pell grants for 8 million college students across America. There is a way for us to make sure Pell grants are well spent, but cutting the assistance for these students will discourage some from the training and education they need to find a job in the future.

House Republicans propose to cut $1.5 billion from grants to States for job training. Again, at a time when we need new skills, when many people have lost a job to which they can never return, cutting this money could be very tragic.

Then, when it comes to research and development, I think the House Republicans have lost their way. They want to cut $300 billion from the National Science Foundation, cutting grants to researchers, teachers, and students across America.

They want to cut $1 billion from the National Institutes of Health. What are they thinking, to cut $1 billion in medical research funds from the National Institutes of Health? If there is ever an area where we cannot lose our edge, not only for the good of humanity but for the good of our own people, it is in medical research. That is one of the first areas the Republicans turn to, to cut $1 billion; and money from the Office of Science at the Department of Energy, $1.1 billion. That is research for innovation in areas such as batteries for electric vehicles and other forms of clean energy, and that is clearly the future. What the Republicans want to cut, sadly, is too much in areas that promise a better future for America. We can do better.

Government can't directly create jobs at the pace we need to get this economy moving forward, but we can make the right investments. For example, infrastructure. In Illinois, we need to make sure we invest in high-speed rail. I am glad our State was chosen. It is going to mean more and more passenger service within our State, fewer cars on the highway, more construction. Ultimately, it is a benefit to the environment. So high-speed rail is an important infrastructure investment.

Modernizing O'Hare Airport, not just for the flight times so they will be more on time for arrivals and departures, but also for safety—the modernization of O'Hare needs to continue.

We need to have safer roads and bridges.

We need broadband across Illinois and across America so small towns have the same advantages as big cities.

We need to put money into Head Start for education.

We can do this. There is waste in this government to be cut. We can work on that together and find it, but let's not eliminate the jobs of teachers whom we need so badly or the money for elementary and secondary schools or grants for families and loans to help them put their kids through college, and worker training. These are things where the President has the right priorities and, sadly, the House Republicans do not. It is a sharp contrast. It is an important debate, and it is one we will hear on the floor of the Senate and the House in the weeks ahead.

We can reduce our debt. I think the President is right. His budget would reduce projected deficits by $1.1 trillion over the next 10 years. He wants to freeze nonsecurity discretionary spending for 5 years, and I think he has shown leadership in making that proposal. We need to work with him to come up with a bipartisan plan that reaches our goal of reducing debt in America while still creating jobs.

I went through that exercise with the deficit commission. I didn't agree completely with their product, but I thought it was a move in the right direction and I joined the bipartisan group of 11 who supported it. The fiscal commission report was called the moment of truth, and it was. With funding for the current fiscal year unresolved, with the next fiscal year looming, and with the debt ceiling within shouting distance, this is a seminal moment for the fiscal and economic future of America.

I commend the President for his approach in the fiscal year 2012 budget proposal. Just as America has faced down great challenges throughout our history, we can do this too. We can meet the dual challenges of more jobs and less debt. It takes leadership and constructive activism and realism. Bringing those together, Democrats and Republicans can work together to make equally painful but important political sacrifices. It will take a lot of work, but we can do it if we work together.

Mr. President, 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.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JAMES E. GRAVES, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

NOMINATION OF EDWARD J. DAVILA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit and Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate with respect to the nominations, with the time equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will not use all my time. I do want to note that by starting the week considering two of President Obama's judicial nominations, the Senate is building on the progress we began to make last week. With judicial vacancies in this country remaining over 100, nearly half of them judicial emergencies, the Senate's action on the two outstanding nominees we will consider is much needed. I thank the majority leader for scheduling the time. I thank the Republican leader for his cooperation.

James Graves of Mississippi is a justice of the Mississippi Supreme Court and has been a judge in Mississippi for 20 years. President Obama has nominated Justice Graves to fill a judicial emergency vacancy on the Fifth Circuit. When he is confirmed, he will be the first African American from Mississippi to serve on the United States Court of Appeals for the Fifth Circuit.

Edward Davila has been a California State trial judge for 10 years. For 20 years before his service on the bench, he was a deputy public defender and worked in private practice. President Obama nominated Judge Davila to fill a judicial emergency vacancy in the Northern District of California.

Both of these nominations were reported unanimously by the Judiciary Committee this year. Both also had been reported by the Judiciary Committee unanimously last year. We have reported them out twice unanimously. It is time now to vote on them. They were among the 19 judicial nominees we voted out unanimously and were ready to be confirmed by the Senate last year before we adjourned. When there was objection to proceeding last year, the vacancies persisted, the President had to renominate them and

the Judiciary committee had to reconsider their nominations. We passed them out unanimously from the committee. I expect the Senate will confirm both tonight and will do so unanimously.

Both have the support of their home State Senators. I will begin with Justice Graves. Both Senator COCHRAN and Senator WICKER have worked with the President and me in connection with the nomination of Justice Graves. Both have been enthusiastic in their support of Justice Graves. The Governor of Mississippi, Governor Barbour, came up to me a few days ago at an event and urged me to move forward with the nomination of Justice Graves. I told him I have been ready to move forward on this nomination since last year. This is an example of a nominee with bipartisan support. Senator FEINSTEIN and Senator BOXER have worked with the President and with me in connection with the nomination of Judge Davila.

I hope the votes we had last week and the votes we are having tonight signal the return to regular order that I have been seeking for months. Nominees who have been voted out unanimously by every Republican and every Democrat on the Senate Judiciary Committee ought to be brought up for a vote on the Senate floor without unnecessary delays. My experience over the last 37 years is that when you have nominations like these, they almost always also go through unanimously in the full Senate. These are two of the eight judicial nominees unanimously reported by the Judiciary Committee who are ready for final consideration and final action by the Senate. I hope the other six judicial nominations to fill vacancies in Georgia, California, North Carolina, and the District of Columbia will all be considered before the President's Day recess.

As I indicated before, when these two nominees are confirmed, there will still be 100 Federal judicial vacancies around the country. That is too many, and they have persisted for too long. If you are a litigant and trying to get a case heard, you do not care whether your judge was nominated by a Republican or a Democratic President, you just want to make sure there is a judge there so your case can be heard. All over the country, however, people cannot get their cases heard because of the judicial vacancies.

That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer, and many others, including the President of the United States, have spoken out and urged the Senate to act. That is why the front page story in the Washington Post last Tuesday bore the headline: ''Vacancies on Federal Bench Hit Crises Point.'' As that report stated, vacancies are ''increasing workloads dramatically and delaying trials in some of the Nation's Federal courts.''

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my statement a copy of the Washington Post report on the judicial vacancies crises.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, nearly one in eight Federal judgeships across our Nation—east to west, north to south—are vacant. That puts at risk, as I mentioned earlier, the ability of all Americans to get a fair hearing in court. The real price for these unnecessary delays falls upon judges who are already overburdened with cases, unable to put the time into them they should, and the American people who depend on our courts, and are being denied hearings and justice in a timely fashion.

Regrettably, the progress we made during the first two years the Bush administration has not been duplicated and the progress we made over the eight years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than four percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies during President Bush's first 2 years in office, when the Democratically-controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first two years in office. We have not kept up with the rate of attrition, let alone brought the vacancies down. Judges die and judges retire and there are additional vacancies created all the time. By now, those vacancies should have been cut in half. Instead, they continue to hover above 100.

I believe the Senate can do better. In fact, I believe the Senate has to do better. The Nation cannot afford further delays in the Senate taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. That is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home state Senators to identify superbly qualified consensus nominations. None of the nominations on the Executive Calendar are controversial. Half of them have Republican home state Senators who support them, like the nomination of Justice Graves we consider today. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

I want to thank Senator GRASSLEY, the Judiciary Committee's ranking member, and all the members of the Judiciary Committee for working with me at the start of this Congress to establish a fair and timely schedule for holding confirmation hearings and considering nominations in committee.

Again, I would note that during President Bush's first term, in his first four tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months when I was chairman during President Bush's first two years in office. Democrats were in charge and I was the chairman. So we have shown that we are willing to cooperate. In contrast, now in President Obama's third year in office, the Senate has only been allowed to consider 65 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. We have to do better. When we approach it, we can reduce vacancies of historically high levels at which they have remained throughout these first three years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

The nominations we consider today both demonstrate President Obama's commitment to working with home state Senators to select well qualified nominees. Justice Graves, nominated to fill an emergency vacancy on the Fifth Circuit, is currently the only African American on the Mississippi Supreme Court. When confirmed, he will be the first African American from Mississippi to serve on the Fifth Circuit and only the second African American in the circuit's history. His confirmation will be a significant milestone after years of broken promises.

President Obama's commitment to increase diversity on the Federal bench helps ensure that the words ''equal justice under law,'' inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially. I thank Senator COCHRAN and Senator WICKER for their strong support of the nomination of Justice Graves. His nomination received a rating of unanimously well qualified from the ABA's Standing Committee on the Federal Judiciary, its highest possible rating. He will make an excellent addition to the Fifth Circuit.

Judge Davila has been nominated to fill an emergency vacancy on the Northern District of California. Currently a judge on the Superior Court of California, Judge Davila previously spent 20 years as a trial lawyer, first as a deputy public defender in the Santa Clara County Public Defender's Office and then as a lawyer in private practice. He also has taught trial advocacy course sessions at Stanford Law School, Santa Clara University School of Law, and the University of San Francisco School of Law. If confirmed, Judge Davila will become the first Latino to take the Federal bench in the Bay Area in more than 15 years. He has the strong support of his two home state Senators, Senator FEINSTEIN and

Senator BOXER. I am glad his nomination will finally be considered by the Senate.

I have often said that the 100 of us in the Senate stand in the shoes of over 300 million Americans. We owe it to them to do our constitutional duty of voting on the President's nominations to be Federal judges. We owe it to them to make sure that hard-working Americans are able to have their cases heard in our Federal courts.

Again, I commend both the majority leader and the Republican leader for moving forward.

Mr. President, I yield the floor, and I reserve the remainder of my time and my voice.

EXHIBIT 1

[From the Washington Post, Feb. 8, 2011]

FEDERAL JUDICIAL VACANCIES REACHING CRISIS POINT

(By Jerry Markon and Shailagh Murray)

Federal judges have been retiring at a rate of one per week this year, driving up vacancies that have nearly doubled since President Obama took office. The departures are increasing workloads dramatically and delaying trials in some of the nation's federal courts.

The crisis is most acute along the southwestern border, where immigration and drug cases have overwhelmed court officials. Arizona recently declared a judicial emergency, extending the deadline to put defendants on trial. The three judges in Tucson, the site of last month's shooting rampage, are handling about 1,200 criminal cases apiece.

''It's a dire situation,'' said Roslyn O. Silver, the state's chief judge.

In central Illinois, three of the four judgeships remain vacant after two of President Obama's nominees did not get a vote on the Senate floor.

Chief Judge Michael McCuskey said he is commuting 90 miles between Urbana and Springfield and relying on two 81-year-old ''senior'' judges to fill the gap. ''I had a heart attack six years ago, and my cardiologist told me recently, 'You need to reduce your stress,'" he said. ''I told him only the U.S. Senate can reduce my stress.''

Since Obama took office, federal judicial vacancies have risen steadily as dozens of judges have left without being replaced by the president's nominees. Experts blame Republican delaying tactics, slow White House nominations and a dysfunctional Senate confirmation system. Six judges have retired in the past six weeks alone.

Senate Republicans and the White House are vowing to work together to set aside the divisions that have slowed confirmations, and the Senate on Monday approved Obama nominees for judgeships in Arkansas, Oregon and Texas. Eight more nominees are expected to receive votes in the coming weeks.

If the backlog eases, Obama will have the chance to appoint dozens of judges who might gradually reverse what many consider a conservative drift in the lower federal courts under the George W. Bush administration.

Even with Obama's difficulties in the past two years, his appointees have given Democrats control of two of the nation's 13 federal circuits, including the influential U.S. Court of Appeals for the 4th Circuit in Richmond, long a conservative bastion.

And about three-fourths of his appointees have been women or minorities, a historically high rate aimed at diversifying a judiciary that is made up of nearly 60 percent white men.

''It's fair to say that the Obama administration has had an impact on the federal courts and that at the end of this Congress, I believe that impact will be reinforced,'' said Sheldon Goldman, an expert on judicial selection at the University of Massachusetts at Amherst.

Obama's opportunity is brief, however, because the presidential election season will ramp up by next year. And even with the current promises of bipartisanship, Senate rules allow individual senators to hold up nominations.

There are now 101 vacancies among the nation's 857 district and circuit judgeships, with 46 classified as judicial emergencies in which courts are struggling to keep up with the workload. At least 15 more vacancies are expected this year, according to the administrative office of the U.S. Courts. When Obama took office in 2009, 54 judgeships were open.

Most of the departing jurists have taken what is known as senior status—A semi-retirement in which they receive full pay but can take a reduced workload and are not considered active members of the court. But court officials say the increased work, heavier caseloads and lack of pay increases are prompting more judges to leave the bench entirely.

The effect is most visible in civil cases, with delays of up to three years in resolving discrimination claims, corporate disputes and other lawsuits.

''Ultimately, I think people will lose faith in the rule of law,'' said Alex Kozinski, chief judge of the U.S. Court of Appeals for the 9th Circuit in California. ''We as a nation believe that if you have a dispute, you go to court and within a reasonable period of time, you get a decision.''

Kozinski, who oversees the federal court in the Commonwealth of the Northern Mariana Islands, a U.S. territory, said the government has spent at least $250,000 to fly visiting judges to the island of Saipan, where the sole judge retired last year.

In Arizona, the number of criminal cases has increased 65 percent since 2008, while three of the 13 federal judgeships are vacant. Former chief judge John M. Roll was working on the judicial emergency declaration when he was killed during last month's shootings in Tucson.

Beyond the practical need for judges, the political stakes are high. The vast majority of federal cases are dispensed through the district and circuit courts of appeal, with the Supreme Court hearing fewer than 100 cases each year.

And control of the influential appellate courts tends to shift with the party in power: By the time Bush left office, his appointees had given Republican nominees a majority of about 56 percent on those bodies.

Party affiliation is not a perfect predictor of a judge's behavior, but studies have shown that Democratic and Republican nominees vote differently on some ideologically charged issues, such as abortion, gay rights and capital punishment.

When Obama took office, experts predicted he would flip the Republican appellate court majority in his first term. But in 2009 and 2010, the administration nominated 103 district and circuit judges, compared with 129 during Bush's first two years and 140 in President Bill Clinton's first two years, said Russell Wheeler, a Brookings Institution scholar who studies federal courts.

White House counsel Bob Bauer attributed the slow start to the administration's large legislative agenda, two time-consuming Supreme Court vacancies and an increasingly complicated background review process for nominees.

''We have made progress,'' Bauer added, pointing out that the pace of nominees picked up significantly last year. But those nominees faced a tough road in the Senate, as Republicans repeatedly exercised their right to ''hold over'' nominees before sending them to the floor.

The 60 nominees confirmed in Obama's first two years in office made up the lowest number in 35 years, according to the Senate Judiciary Committee.

Still, Obama has been putting his stamp on the courts. When he took office, Democratic appointees had small majorities on two appeals courts—the New York-based 2nd Circuit and the 9th Circuit. Obama's nominees have also given Democrats control of the 4th Circuit and the 3rd Circuit, which covers Pennsylvania, New Jersey and Delaware.

The 4th Circuit is an influential voice on national security and one of the appellate courts expected to hear challenges to the health-care overhaul law. It has a 9–5 Democratic majority, because of four Obama appointees.

''That's almost unimaginable,'' said Curt Levey, executive director of the conservative Committee for Justice. ''When I first went to law school, that was the one circuit you knew was conservative.''

If the Senate approves the 48 pending White House judicial nominations, the circuits would be about evenly divided between Democratic and Republican nominees, according to Wheeler's analysis. ''This Congress has the power to shift the balance rather substantially,'' he said.

Saying the courts face ''a severe problem,'' Bauer vowed that the White House will move nominees ''at a very steady clip. . . . We will use all the resources at our disposal to bring attention to the issue and work on a bipartisan basis.''

Senate Majority Leader Harry M. Reid (D–Nev.) and Minority Leader Mitch McConnell (R–Ky.) struck a ''gentleman's agreement'' in January to quash many of the procedural tactics that have slowed nominations.

''We'll be discussing with Senator Reid how to begin moving them in an orderly fashion,'' said Don Stewart, a spokesman for McConnell.

Liberal groups, which have blasted what they call Republican obstructionism and pushed the White House to focus more on judges, said this year will be key.

''This is really a critical time for the legacy this president will be able to create on the federal judiciary,'' said Marge Baker, an expert on judicial selection at People for the American Way. ''We have an opportunity now, and we have to take advantage of it.''

The PRESIDING OFFICER. The Senator from Tennessee.

THE BUDGET

Mr. CORKER. Mr. President, I thank the Senator from Vermont, and I will be very brief.

I know today the President has put forth the administration's proposal on the budget, and a lot of people on both sides of the aisle have spent a tremendous amount of time over the course of this last year——

Mr. LEAHY. Would the Senator yield for a moment? I assume the Senator is speaking on the time reserved for the Republican side.

Mr. CORKER. That is correct, Mr. President, and I thank the Senator from Vermont for being so fastidious.

Back to what I was talking about. I know a lot of people on both sides of the aisle have spent a great deal of time looking at ways for us to lessen, if not close, the tremendous amount of

the deficit we have in this country. I think everybody understands what a threat this is to our economic security—candidly, to, I believe, our national security—and I think many of us have paid close attention to what has happened to other countries in this type of situation. There is a strong sense on both sides of the aisle, and becoming even stronger, that this is an issue we as a country have to deal with.

What is unique about the issue of this fiscal deficit our country has is that it is something totally within our hands. In other words, we can deal with this. This is not like some of the situations we deal with in Afghanistan or other places, where it takes others, if you will, working with us to ensure our efforts there are successful. This is something we as a Congress can solve. Again, the economy requires private sector investment and people doing work outside of this body to create the kind of prosperity we would like to see. But this is totally within our control.

So, Mr. President, I really do try to look at the bright side of things. On the other hand, I was disappointed to see the President's budget today and the lack of urgency that was displayed there and the lack of concern. I think what that means for those of us in this body and in the House who are going to have to—as we should—deal with this issue, it is much more difficult when dealing with a national crisis not to have the administration pulling along with you. It is my hope, even though I think the President did miss an opportunity to lead on this issue, that over the course of the next several months he will come to the table and deal with this issue in a responsible way with both the House and Senate.

I know the House is wrestling with these issues right now. My guess is that by the time they get ready for recess this weekend, they will send over something that deals with some cuts in discretionary spending. I think we all know we have to deal with the entire budget if we are actually going to make the type of headway all of us know needs to be made. But I do hope what we will do this spring, early on, is go ahead and vote to pass on some very large reductions in spending. I hope we will pass something like the Cap Act that CLAIRE MCCASKILL and I have cosponsored, which takes us from where we are in spending relative to our country's economic output down to the 40-year average.

I would think most people in this body would consider that to be a reasonable approach over a 10-year period that would be a straitjacket on Congress to ensure that we actually make those cuts. So those are two steps that need to occur, and it is my hope the administration, after putting forth what has been put forth, will join us in this effort.

Mr. President, I think all of us know that in order to deal with the big issues of this country, it is going to take the executive branch, the House, and the Senate. We have divided government, but this is a perfect opportunity for us, as a country, to deal with this huge issue that threatens certainly the future of the young people sitting before me, but threatens our country's economic security and our national security.

So, Mr. President, I thank you for the time. I hope all of us will deal with this budget in a serious, sober, and responsible manner. I think we have several months over which we have a tremendous opportunity to come together and do the right thing as it relates to our country's economic and fiscal situation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what is the order right now?

The PRESIDING OFFICER. The Senate is currently debating two nominations.

Mrs. BOXER. Is it appropriate that I speak on one of those nominations but also make some comments about the budget?

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I am very happy today to know that we are about to cast a vote on Edward Davila, nominee for the U.S. District Court for the Northern District of California. This is a wonderful nominee, and he deserves this up-or-down vote. I am convinced he is going to get an overwhelming vote, and I am going to speak to that in a moment. But the Senator from Tennessee was critical of President Obama's budget, and I wanted to just make a response to that.

The Senator from Tennessee is not the only Republican to criticize President Obama's budget. They are all reading out of the same playbook. I just have to say that while no one agrees with everything in that budget—I certainly don't—the basis of the budget is critical, and this is the basis of the budget: The President is addressing the deficit in a very responsible way—freezing domestic discretionary spending—very tough, very tough—cutting billions and billions and billions of dollars of red ink while not jeopardizing the economic recovery that we are in the midst of.

To me, it is very interesting because I had the privilege of being in this body the last time we balanced the budget. As far as I know, I don't recall any Republicans voting for Bill Clinton's budget. Maybe there were one or two, I don't recall. But that budget was in balance and we went into surplus. Frankly, we learned how to do it then.

What did we learn? We learned that when we are facing a crisis like this—a budget deficit that is growing too fast and an economic recovery that we don't want to disrupt—we have to be responsible. We don't take a meat ax to this economy and cut things just for the sake of telling the American people we met a certain number. Every billion dollars of cuts means real people with real jobs.

Then the Republicans are criticizing our President for investing in the infrastructure of this country. Mr. President, you and I know we can't have a great nation if we can't move goods, if we can't move people, if people are stuck in traffic, if we have sewer systems that are overflowing, water systems that are antiquated, and we have millions of people who can't get access to broadband and the Internet. We all know the value of that.

So I would say to my Republican friends: Please don't be against something simply because our President is for it. He is reaching out his hand. Don't give him the back of your hand. I am very optimistic we can work together. I am certainly pleased the President has reached out his hand, and Republicans and Democrats have reached out their hands, too, in this Congress.

I am pleased to say on the highway bill I am working very closely with Mr. MICA, who is the chairman of the Transportation and Infrastructure Committee in the House. I am working with JIM INHOFE, my friend and ranking member of the committee in the Senate. So let's, in our rhetoric, not each go to our corners. Let's welcome this President's budget. Let's take a look at it, let's ask economists what the impact is of cutting so much that we derail our economic recovery.

We can do this. We did it under Bill Clinton. We balanced the budget and created 23 million jobs. Under George W. Bush, that was gone in 5 minutes—tax cuts to the people who didn't need it—and with it a horrible economic recession, which this President—President Obama—stepped to the plate and dealt with, without much help from the other side. A couple helped us, yes. And I am preparing a little presentation on what we did and what was the impact. We had capitalism on the brink of failure, and this President had the courage to deal with it.

There were calls from the Republican side of the aisle to nationalize the banks. I remember that. President Obama said: No way. We are not going to do that.

Now, has it been rough? Has it been tough? Horribly so. My State is suffering from this mortgage crisis. We have to do more. We all know that. But economists are saying we are moving forward. We have turned the corner. Therefore, I don't understand this chorus of negativity coming from the Republicans toward our President when he was able to take the worst recession since the Great Depression and bring us back to a stable situation.

Let's work together. Let's not heat up this rhetoric. We can do this. We did it before. We know how to wrap our arms around this deficit, and we know how to grow jobs. So let's take a page out of that book. It means we take bold steps, but we don't go so far so fast

that we derail economic recovery. We can do this.

The attack by the other side on the Environmental Protection Agency is unbelievable. I saw a cartoon in the Gannett papers in my hometown. It had a drawing of an elephant, representing the Republican Party. In the elephant's trunk was a can that was obviously poison. It had skull and bones on it, spraying the flowers, the trees, and the air. Under the Republican logo it said: Environmental Destruction Agency. The Republican Party calls it the Environmental Destruction Agency, and they have cut one-third—that is their proposal—of the EPA's budget.

Now when I go out to talk to people, not one of them ever says to me: The air is too clean, Senator. Make it dirtier. My kid only missed 2 days from this school year, and I want dirty air. Nobody has ever said to me: I want unhealthful water. Nobody has ever told me they want to live close to a Superfund site. So I say to my friends: Watch what you are doing. You are taking a meat ax to the Environmental Protection Agency that protects the health and the safety and the well-being of our children and our families. If you can't breathe, you can't work. You know that? You lose time from work. So let's be careful. Let's not be radical. Let's not be extreme. That is not what the people send us here to do.

They certainly didn't send us here to take away a woman's right to choose. They sent us here to work on this economic recovery. Yet we have proposals over there on the other side that are unbelievable and that would raise taxes on people who have health care policies that include reproductive health care for women. Can you imagine? They want to raise taxes on small businesses that have health policies that cover reproductive health care for women. I don't think that is what this election was about. I thought it was about getting jobs in this economy.

So between that and the overreaching on the budget, we have a lot of work to do. I say it with due respect, I really do. But the American people need to weigh in. They are going to need to say how much is too much and what their values are.

Richard Nixon signed the Clean Air Act and the Clean Water Act. A Republican President signed these acts. Yet now the Republicans are trying to destroy these important bipartisan accomplishments. You know why? They say it kills jobs. Guess what. We heard the same thing from the people who tried to stop the Clean Air Act—the polluters. They said, it is going to cost jobs. But we had the greatest economic growth after that period. And guess what. Jobs are created when we clean up the air. Jobs are created when we have technologies we can export and when we find ways to make drinking water safe.

Frankly, I am energized by this debate because I believe there are differences in the parties. I think that is OK, it is fine. I will be involved in the debate. I am sure colleagues on the other side who disagree will put forward their views. They are trying to take away the power of the Environmental Protection Agency to enforce standards on carbon pollution—dangerous carbon pollution—that the Bush administration told us through their work puts our people in danger, puts our families in danger, puts our country in danger, puts our economy in danger. They are actually trying to stop the EPA from enforcing the Clean Air Act. I do not know one constituent who ever told me they thought the air was too clean or the water was too safe to drink.

NOMINATION OF EDWARD DAVILA

Mr. President, today it is my honor to support the nomination of Judge Edward Davila as the Senate prepares to vote on his confirmation to become a district court judge. I congratulate him and his family on this important day. I have had the privilege of recommending Judge Davila to President Obama to serve on the Northern District Court of California. He is respected by his colleagues and those who appear before him, and he will make an excellent addition to the bench.

This is a critical vacancy to fill. The Northern District has been designated a judicial emergency by the Administrative Office of the U.S. Courts. We do not have enough judges. This is another area in which we must work better together. I am hopeful on this one that we can.

I am pleased that we are voting on Judge Davila today. When he is confirmed, Judge Davila will be the only Latino serving on the Northern District Court. That is important. Our State is so diverse, it is extraordinary, and we need everybody believing they are represented.

The judge is outstanding. He brings an impressive background of service in both public service and private practice.

Judge Davila was born in Palo Alto, one of three children raised by a single mother. It is from his mother Dora that he learned the important qualities that have served him well. He defines those as hard work and determination. I extend my personal congratulations to Dora. As a mother, I know the immense pride she must feel for her son at his extraordinary accomplishments.

Judge Davila is a graduate of the California State University at San Diego and the University of California's Hastings College of Law in San Francisco. He practiced law for nearly three decades, spending his first 7 years as Santa Clara County public defender before moving into the private sector as the co-owner of a small firm specializing in criminal defense. During his time as defense counsel, Judge Davila earned the respect of prosecutors and law enforcement officials with whom he interacted, and he received awards from the State Bar of California. He served as president of the Santa Clara Bar Association in 1998.

Since 2001, he has served on the Santa Clara County Superior Court, where he has drawn praise from fellow judges and lawyers for his hard work, his integrity, and his fairness. In a recent survey by the Santa Clara County Bar Association, his performance was rated ''excellent'' or ''good'' by a huge percentage of participants with respect to his work ethic, his knowledge of the law, his knowledge of procedure, integrity, dispute resolution, and his judicial temperament, which we know is so important. He has also received awards and recognition for his judicial performance from the Santa Clara Bar Association and the California State Assembly.

I close by congratulating Judge Davila and his entire family on this momentous day. Here is another example of the American dream. I urge my colleagues in the Senate to join me in voting to confirm this highly qualified nominee to the Federal bench.

Mrs. FEINSTEIN. Mr. President, I rise in support of the nomination of California Superior Court Judge Edward Davila to be a U.S. district judge in the Northern District of California.

If confirmed, Judge Davila would bring a wealth of relevant experience to the district court. Since 2001, he has served as a superior court judge in Santa Clara County. He has presided over more than 10,000 cases—both civil and criminal—and has seen more than 50 cases from trial to final judgment.

He is a seasoned lawyer who also has more than 20 years of litigation experience under his belt. For 13 years, Judge Davila tried criminal cases as a partner at his own law firm in San Jose. For 7 years before that, he worked as a deputy public defender for Santa Clara County. In total, during his two decades as a litigator, he tried more than 45 cases to verdict or judgment.

Beyond his professional experience, Judge Davila has also been a devoted member of the Santa Clara community. He is a former president of the Santa Clara County Bar Association as well as the Santa Clara County La Raza Lawyers Association. He has taught trial advocacy at Stanford Law School, the University of San Francisco School of Law, and the University of Santa Clara School of Law. And he has made it a longstanding practice to teach local high school students about the criminal justice system through mock trials in his courtroom.

Judge Davila's confirmation would also bring much needed diversity to a court with broad reach in California. There are currently 18 active and senior district judges in the Northern District of California, but not a single one is of Latino or Hispanic descent. Judge Davila's confirmation would correct this imbalance. I am pleased to support his nomination, and I strongly urge my colleagues to confirm him.

Finally, I want to say a word about the caseload in this district. Last

week, the Judicial Conference of the United States sent a letter to the President and the leadership of the Senate calling attention to a handful of courts with severe caseload problems.

The Northern District is one of these courts. Last year, the district's judges carried a caseload of nearly 600 weighted filings per judgeship—far above the recommended level. With two vacancies unfilled, that caseload rose to more than 700 weighted filings per active judge.

These vacancies did not exist for lack of a nominee. The President nominated Judge Davila in May of last year. He was reported out of the Judiciary Committee without objection, but he is only now receiving a vote. Another very qualified nominee for this court, Magistrate Judge Edward Chen, was nominated in August of 2009. He has been reported out of the Judiciary Committee twice but still has not received a vote on the floor.

Today's vote on Judge Davila's nomination is a step in the right direction. I urge my colleagues to support him, and I hope that we can continue to work together to ensure that our Federal courts have the judges they need to administer justice fairly and in a timely manner for the American people.

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. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise in strong support of the nomination of Mississippi Supreme Court Justice James Graves to the U.S. Court of Appeals for the Fifth Circuit. I thank all of those on both sides of the aisle who have worked to get this vote scheduled and to bring us to this moment, where I am confident Justice Graves will be confirmed.

When that happens today and when he takes the oath, Justice Graves will bring a rich and distinguished background of public service to the Fifth Circuit. He is a Mississippi native. He graduated as valedictorian of Sumner High School in the small delta town of Sumner and went on to receive his bachelor's degree from Millsaps College before going to law school at Syracuse University.

Justice Graves currently presides as a justice on the Mississippi Supreme Court, where he has faithfully served since his appointment in 2001 and his subsequent election in 2004. Before being appointed to the Mississippi Supreme Court, Justice Graves served as a circuit court judge in Hinds County, MS, for 10 years.

Justice Graves is a dedicated family man and community volunteer. He has been honored on numerous occasions with awards recognizing his public service. Those who know him know he is particularly committed to teaching and motivating young people, particularly the young people of my State of Mississippi. I am confident that even in this position of increased responsibility and visibility, he will continue taking time to work with our Nation's young people.

I am proud today to speak on behalf of Justice Graves. I urge my colleagues to vote in support of his nomination to the Fifth Circuit.

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. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Justice James E. Graves, Jr., to serve as a judge on the U.S. Court of Appeals for the Fifth Circuit. At this time, Justice Graves is serving as a presiding justice on the Mississippi Supreme Court. He was appointed to our State's highest court in 2001, and he was elected to the court in 2004. Prior to that, he served as a trial court judge for 10 years.

Justice Graves has earned impressive academic credentials, including an undergraduate degree from Millsaps College, a law degree from Syracuse University College of Law, and a master's degree in public administration from Syracuse University.

Justice Graves has served as a director of the Child Support Division of the Mississippi Department of Human Services. It is with pride and pleasure that I am able to recommend to the Senate the confirmation of Justice James E. Graves, Jr.

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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today the Senate will confirm two more of President Obama's judicial nominees. With this action, we are filling two seats which have been declared judicial emergencies. I am pleased we are moving forward with these important positions.

I agree with the chairman's recent editorial and remarks he has made that we have an opportunity to turn the page and work together in a spirit of bipartisanship and civility. I do not view it as a productive effort to continue with the finger pointing and the negative back and forth regarding the previous pace or outcome of judicial nominations. Unfortunately, that rhetoric has frequently overshadowed the debate on the qualifications of particular nominees.

I and my Republican colleagues have been very cooperative in taking action on the President's nominees. During this Congress, the President has nominated 50 individuals to the Federal judiciary. This Congress has been in session for approximately 1 month. In this brief time, we have taken positive action, in one form or another, on nearly half of those nominees. With today's votes, we will have confirmed 5 nominees. If this is not cooperation, I do not know what is.

Furthermore, we have seen a high level of bipartisanship with regard to President Obama's confirmed nominees. For President Obama's confirmed district judge nominees, 94 percent of those confirmations were by unanimous votes. Only 59 percent of President Bush's confirmed district court nominees were afforded that same level of bipartisanship. So I think it is fair to say that we are cooperating in a bipartisan manner, and in a deliberate pace.

I am working with the chairman to ensure nominees are afforded a fair but thorough process, in a timely manner. I have appreciated the chairman's courtesy as we have worked together to set schedules and agendas. As we do so, I assure my colleagues that I will not falter on ensuring each nominee is properly and thoroughly evaluated.

We are acting to reduce the judiciary vacancy rate. There are currently 99 vacancies in the Federal courts. However, it is remarkable to me that more than half of those vacancies, 52 seats, have yet to receive a nomination. Furthermore, 25 of the 46 seats deemed to be judicial emergencies do not have nominees. It is unfair to blame Republicans for any delays with these vacancies. It is impossible to fill seats when a nominee has not been named. It is the responsibility of the President to send to the Senate consensus nominees for these positions.

Let me say a few words about the nominees who are scheduled to have votes today. I thank our leadership for the reasonable arrangement that was reached to consider these nominations.

First, Justice James E. Graves has been nominated to be a circuit judge for the Fifth Circuit. He received his B.A. from Millsaps College, his J.D. and an M.P.A. from Syracuse University.

Justice Graves comes to the Federal bench with extensive experience in the legal field. He was a staff attorney for the Central Mississippi Legal Services for 3 years before moving into private practice. Justice Graves also spent time, first as a counsel, then as a chief legal counsel, in the office of the Mississippi attorney general. Justice Graves left the Office of the Attorney General to become director of the Mississippi Department of Human Services' Child Support Enforcement Division.

Justice Graves also has considerable judicial experience. He was appointed to Mississippi Circuit Court judge in 1991 and was re-elected twice. Since 2001, Justice Graves has served on the Mississippi Supreme Court and has authored 151 majority opinions for the court and 92 concurring or dissenting opinions. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated him ''Qualified.''

I also rise in support of Judge Edward Davila to be U.S. district judge for the Northern District of California. With today's vote, we will have confirmed 7 of President Obama's nominees to the district courts of California. Judge Davila received his B.A. from California State University, San Diego and his J.D. from University of California's Hastings College of the Law. A majority of the American Bar Association Standing Committee on the Federal Judiciary rated him ''Qualified.''

Judge Davila began his career at the Santa Clara County Public Defender before entering private practice. He represented criminal defendants in State and Federal courts. In August 2001, Governor Gray Davis appointed Judge Davila to the Superior Court of California, County of Santa Clara, a trial court of general jurisdiction. Judge Davila was re-elected without opposition twice.

We are making good progress in considering judicial nominations. I am pleased the chairman and I have been able to move forward. We are filling judicial vacancies, with a particular focus on judicial emergencies. We are working in a manner that treats each nominee in a fair manner and permits each Senator to thoroughly review the qualifications of each nominee.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are prepared to yield back any time on this side. I understand from my colleague that they will yield back on their time.

Parliamentary inquiry: Is the first nomination the Graves nomination?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. It is my understanding there is not a request for a rollcall vote on that one.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of James E. Graves, Jr., of Mississippi, to be a U.S. circuit judge for the Fifth Circuit?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Edward J. Davila, of California, to be a U.S. district judge for the Northern District of California?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mr. PRYOR), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), and the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—93

Akaka	Feinstein	Merkley
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NOT VOTING—7

Blunt	Kerry	Udall (NM)
DeMint	Mikulski	
Graham	Pryor	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the vote on the nomination of Edward Davila to be U.S. district judge for the Northern District of California. If I were able to attend today's session, I would have supported the nominee.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

Mr. REID. For the information of all Senators, there will be no more votes tonight. I have had a number of conversations with the Republican leader today. We are going to have one or two votes before our caucus lunches tomorrow. We will have a number of votes set up after the caucus luncheons. We want to finish this bill as quickly as we can, which will be this week. I know a number of people are waiting around for votes. I know Senator PAUL is waiting around for a vote on his amendment tomorrow afternoon, and I know Senator NELSON of Nebraska and Senator WICKER have amendments we are trying to get a vote on. We are trying to move to those as soon as we can.

Anyway, we are going to have some votes tomorrow. No more votes tonight.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished senior Senator from Oklahoma and I be recognized for a total of 6 minutes evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield to the Senator from Oklahoma.

AMENDMENT NO. 6 WITHDRAWN

Mr. INHOFE. Mr. President, Senator LEAHY and I have two amendments. He has Leahy amendment No. 50 and my amendment is No. 6. I say to my friend from Iowa, I will just be a few minutes, as he was kind enough to allow us to do this first.

This has to do with the liability of those individuals who are making their own sacrifice to help people in distress. It is something that those of us who are pilots have done—helping individuals in being relieved of some of the individual liability that might be incurred. The Leahy amendment goes a little further than mine, but I am satisfied with his. So what I wish to do is request unanimous consent to withdraw my amendment No. 6 that gives liability protection to volunteer pilots and organizations, as well as request to be added as a cosponsor to the Leahy amendment No. 50. We have been in negotiations for a number of weeks. In fact, we were even last year. I think we

have reached an agreement we both find acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished Senator from Oklahoma and I worked together to advance both of these amendments in a bipartisan way. We worked together during the last year, and we are working together again this year.

Our amendment closes a gap in our Public Safety Officers Benefits Act for emergency service providers by extending Federal benefits to emergency service providers who die or are disabled in the line of duty and who work for private, nonprofit emergency services organizations.

A tragedy in Vermont 2 years ago highlighted this issue. First responder Dale Long from Bennington, VT, was Bennington Rescue Squad's 2008 EMT of the Year and a 2009 recipient of the American Ambulance Association's Star of Life Award. Shortly after that ceremony, he was killed in the line of duty. Given the private, nonprofit status of his ambulance service, he is ineligible for Federal death benefits.

The Judiciary Committee—all Republicans, all Democrats—unanimously approved this legislation last Congress. The Leahy-Inhofe amendment is fully paid through an included offset.

The distinguished Senator from Oklahoma and I have talked about this. He comes from a part of the country where people have to fly to rescue. We drive to rescue. We are much smaller. They fly. Either way, we ought to be doing something to protect the people who are out there trying to rescue or aid people in distress.

I am proud to join with Senator INHOFE, and I hope at some appropriate time the amendment, as now amended, will be accepted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will respond by saying that on numerous occasions in my 55 years of flying airplanes, I have done a lot of Good Samaritan things. It never really occurred to me, but one time I went all the way down to Dominica, near Caracas, Venezuela—I was telling the Senator from Iowa about it—leading 10 planes. Eight of us made it down and back. That is something we did not have to do, but no one else would do it.

I believe we can encourage a lot more people to do these Good Samaritan duties if we give them a little bit of relief from liability.

I ask unanimous consent that after the Senator from Iowa makes his remarks, I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield back any time remaining.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to discuss for a few moments a few amendments that are pending that I think would undermine the basic rights and protections of American workers. In these difficult economic times, working families are struggling enough. Wages are stagnant. In fact, I saw a report the other day that, in real terms, if you take inflation into account, wages right now for working men and women are about where they were in 1974—almost 40 years. Job security is harder to find. More and more companies facing financial pressures are deciding to cut corners on fundamentals such as worker safety.

Now more than ever, workers need the basic protections our laws provide. The last thing we need to do is take a step backward and make working people even more vulnerable than they are today, especially in terms of their safety and health. That is exactly what the Wicker amendment and the Paul amendment would do for two groups of very dedicated people—flight crews and transportation security officers who work every day to keep us safe when we travel.

First, the Paul amendment would undermine valuable safety and health protections for flight crews. I do not think it would come as a surprise to any of us that working on an airplane could be a dangerous job. According to the Bureau of Labor Statistics, flight attendants, as well as other employees in the air transportation industry, suffer occupational injuries and illnesses at rates far higher than workers in nearly every other sector of private industry. This industry raises unique safety challenges, and we need to make special efforts to keep these workers safe on the job.

The Federal Aviation Administration regulates all workplace safety issues on airplanes. However, at Congress's urging, FAA has entered into a memorandum of understanding with the Occupational Safety and Health Administration that is supposed to facilitate consultation and coordination between the two agencies about safety issues. This is entirely appropriate since the Occupational Safety and Health Administration has the expertise in this area. But that coordination has not been effective in recent years. While a 2000 OSHA/FAA report identified areas where flight crew safety could be improved, after that report, coordination essentially stopped, and the FAA has failed to take additional action to review and implement the recommended workplace safety standards.

The bill we are considering on the floor would restore and improve the level of coordination between the FAA and OSHA so that they can complete the valuable work outlined in that memorandum of understanding. It would basically require the two agencies to put their heads together and consider whether any OSHA standards should properly be applied to people working on aircrafts.

I wish to be very clear on this point. The bill does not supplant FAA's authority. OSHA would not be conducting investigations or issuing fines for FAA-covered employees. That is the sole purview of the FAA. All the bill says is that the two agencies should continue to talk and to coordinate. This seems to be eminently sensible. It simply defies explanation to preclude this kind of coordination, and it could put workers' lives and workers' safety at risk.

For example, flight crews are currently exposed to a variety of dangerous chemicals, including jet fuel vapors, compressed oxygen, commercial cleaning agents, deicing chemicals. Yet there is no current rule requiring that the employees be informed of hazardous materials in their workplace.

OSHA has a safety standard about hazard communication requiring that workers be informed of such hazardous materials. This simple, easy-to-comply-with standard saves workers' lives. The 2000 report I referred to earlier found that FAA could implement the OSHA standard on hazard communication without any implications for flight safety. But what has happened? Absolutely nothing. Despite finding that the OSHA standard could improve safety for airline employees and that it would not impact aviation safety, the cooperative effort stalled in its tracks. This bill would resuscitate that cooperation. This is just one of a number of important reforms that would improve workplace safety without compromising flight safety. Hard-working flight attendants and other flight crew workers deserve our best efforts to make these reforms a reality.

Again, I wish to make one point very clear. The legislation does not change or undermine FAA's role at all. It simply fosters cooperation between two government agencies—one that has a lot of technical expertise, the other one which has the jurisdiction.

Again, I think this would be something where one would say: Sure, they should cooperate and communicate. The amendment before us would undermine a common sense practice—collaboration between agencies—and would make people less safe on the job. I urge my colleagues to protect the safety of our workers by opposing this amendment.

I am equally concerned about the impact the amendment by Senators WICKER and COLLINS would have on the hard-working people who keep our airports and planes safe. I have spoken about this amendment before. I would like to bring it up again.

In legislation creating the Transportation Security Administration, TSA, Congress gave TSA the right to determine whether transportation security officers, TSOs, have the right to collectively bargain. Those are the people we see every time we go through the airport. They check our IDs. They run the machines and check our bags. These are the transportation safety officers.

The Transportation Security Administration found that collective bargaining could improve security by addressing the agency's chronic low morale and employee engagement. However, certain subjects remain off limits for bargaining, including pay, deployment, training, and any TSA emergency response measures. Right now, the TSOs, under what the TSA wanted to do, would be allowed to collectively bargain but for those certain items. As I said, they could not collectively bargain on pay or deployment or training or emergency response measures.

As I mentioned when I previously addressed this issue on the Senate floor, a recent ''best places to work'' survey ranked the TSA 220 out of 224 Federal employers. The agency's turnover and injury rates are among the highest for any Federal agency. Low morale and high turnover at a front-line security agency are a recipe for disaster.

TSA determined that collective bargaining will address those problems and improve the agency's ability to fulfill its mission. The TSA's decision is well reasoned and sound. It states that a ''one-size-fits-all model of labor relations that undermines initiative and flexibility would not serve TSA or its workforce well.'' That is exactly what this amendment by Senators WICKER and COLLINS would do. It would lock into place one model of labor relations—the most adversarial model—that is most harmful to employee morale. As I just said, we know employee morale at the TSO level is very low, and there is a very high turnover rate.

While my colleagues who support this amendment cite concerns about disruptions to security procedures, the agency believes—and I agree—that those concerns are misguided.

First and foremost, I question the assumption underlying this concern: that men and women who take a job protecting our Nation would cast that duty aside if they were granted basic labor concessions such as collective bargaining. I think that is an insult to every man and woman in uniform who works under collective bargaining agreements across this country. To suggest unionized security personnel are somehow less effective, less dedicated, less willing to put their lives on the line in an emergency is just plain scandalous. Most Federal security employees, including Border Patrol personnel, Immigration and Customs officials, our Capitol police officers who protect us, Federal Protective Services officers—they all have collective bargaining rights.

I always point out that famous picture of September 11, 2001, when that awful tragedy happened in New York and those buildings came down and we saw the thousands of people running away from this disaster and the buildings falling down, while running into the buildings were our police, our firefighters, and our emergency personnel. Those workers were members of a union and covered by a collective bargaining agreement. Did they shirk their duty? Did they shirk their responsibility? Not a bit. We are proud of them. Why should TSOs be any different?

Again, the exclusion of deployment and training and emergency response measures from bargaining will prevent any disruptions to security procedures.

I firmly believe collective bargaining is the best way to bring dignity, consistency, and fairness to a workplace. It will make our TSO workforce safer and more stable. Restoring these essential rights is long overdue. I urge my colleagues to oppose the Wicker-Collins amendment.

Finally, while I think it is critically important that the bill we are considering must not be a vehicle for rolling back worker protections, I regret that it will not be a vehicle to correct an outrageous attack on workers' rights that was enacted on this legislation in 1996.

In a rider to the 1996 FAA reauthorization bill, Congress made it harder for employees of an express carrier to organize a union in order to unfairly advantage one company—FedEx Express. The bill carved out employees of an express carrier delivery company—which meant only one company: FedEx—from coverage under the National Labor Relations Act and placed them under the Railway Labor Act. As a result, it is much more difficult for FedEx employees to organize and bargain collectively. What is the difference? Under the National Labor Relations Act, workers can act locally in seeking to organize and bargain collectively. Under the Railway Labor Act, workers must organize nationally—an enormous challenge in today's labor environment, especially for workers who do not necessarily work in mobile industries. Under the current law, if package sorters in Des Moines, for example, want to organize a union, they would have to go to New York and Georgia and Texas and California to get every warehouse worker in the country to join them, which is obviously extremely difficult.

This quirk in the law is not only illogical, it is the worst kind of political favoritism. Why do I say that? Obviously because one of the biggest competitors of FedEx is United Parcel Service. United Parcel Service is under the National Labor Relations Act. Not every single one of their employees is unionized, but they are allowed to organize and bargain collectively locally. In certain States that are covered by union shop, then they would all be covered. In a State such as Iowa, which is a right-to-work State, some of the employees of United Parcel Service would be members of a union and some would not. But they would all be covered by a collective bargaining agreement.

United Parcel Service workers, doing the same exact job as FedEx workers, can organize and bargain collectively locally. FedEx workers cannot because they are under the Railway Labor Act, not the National Labor Relations Act. That was a rider to this bill in 1996 to favor one company. Again, identical jobs for FedEx and another company, different rights under the law—that is unfair. Congress should ensure that companies compete on a level playing field. We should not be picking favorites, especially not by silencing the voices of employees of one company.

In past Congresses, I have introduced legislation to eliminate this special treatment and ensure that employees who have nothing to do with air transport have all the rights they are entitled to under the National Labor Relations Act. There are tens of thousands of truckdrivers and warehouse employees who have nothing to do with airline travel, and the rules of the game are rigged against them.

I had hoped this bill would provide an opportunity to right these past wrongs, but I know it is important to complete our work on the FAA reauthorization in short order. This bill will create hundreds of thousands of jobs. It will make crucial investments in our Nation's infrastructure. As a pilot myself—and my friend from Oklahoma has been flying even longer than I have, I think, but we have both been flying for a long time—I have been waiting for the NextGen to come on board because it will enhance flight safety and make it a lot easier for our general aviation pilots to fly in this environment and it is important to get the bill done. So that is why I support the bill.

Again, I had hoped we would address this inequity that exists as regards the Federal Express, but we did not, so we will have to carry on the battle on another bill on another day. It is just an issue of fundamental fairness for workers, so I expect that we will revisit this again in the future.

I thank my friend from Oklahoma for being so patient, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Before my friend from Iowa leaves the floor, when he talked about NextGen, I can remember—and he can remember—years ago, when we first flew, there was nothing but low frequency out there, and we used to shoot those low-frequency approaches. Then they came along with VORs, and I thought this has to be the end of it. Then they came along with RNAV. They could pick up a VR and move it over here. What more could they ever do than that? Then LORAN came along and then GPS. So I quit saying they can't get better because now there is hardly a runway in the world you can't shoot an instrument approach on using GPS. I flew an airplane around the world, all across Siberia—bad weather all the way—and I shot my approaches with GPS. You could train a chimpanzee to do it with a GPS.

I agree with my friend from Iowa. We are anxious for NextGen and these opportunities we have that are coming up to enhance the safety and abilities of general aviation along with commercial aviation.

Mr. HARKIN. If my friend would yield just for a second, I would just tell him the first plane I owned had an old—I called it a coffee grinder in it, you would get the ANN—annuls—and that would take you into the airport. So I can remember those days quite well. Thank God we have GPS now.

Mr. INHOFE. I thank my friend.

Mr. President, a few minutes ago I talked about two amendments I had in the FAA bill. One was what I would call the Good Samaritan amendment. We have talked about this for years. Senator LEAHY and I have come to an agreement. I would like to have it go further and offer liability protection beyond just the pilots who might be offering their services, as my friend from Iowa and I have done many times at our own expense because no one else would do it.

I would say to the occupier of the chair, it wasn't that many years ago there was a horrible hurricane that wiped out an island called Dominica, north of Caracas, Venezuela. I remember putting together 10 airplanes, general aviation airplanes, and we took doctors and nurses and generators and goods down there and food and water because nobody else would do it. This type of thing is going on all the time, and I think they should be afforded some protection from the liability laws. But I do realistically know with this compromise, we can get it passed and this would offer individuals protection.

The other amendment I have is quite different. It has to do with something called subpart S of FAR in the regulations, part 121. The Department of Defense—in the movement of many of the troops and individuals—relies on supplemental carriers. We are talking about nonscheduled carriers or charter airlines, and these are people or airlines that are nonscheduled. They come under a separate part, subpart B, and they are given some exemption from the crew rest rigid parts that affect the scheduled airlines. It is easy for a scheduled airline to have these very rigorous crew rest times because they are, as it says, scheduled. But when you get into nonscheduled, you are getting into areas where it is much more difficult.

So I wish to say two things about it. First of all, the supplemental air carriers have had a safety record that is even better than scheduled. There has never been one time in 15 years that the NTSB has cited something wrong, something that has happened with the part B or nonscheduled carriers as a result of fatigue. It hasn't happened. I often say we get too anxious to pass laws around here. I have always had the philosophy if it ''ain't'' broken, don't fix it. This is not broken, and it has worked very well. So I think their record speaks for itself.

The thing a lot of people are not aware of is if you are a nonscheduled airline, you are able to have longer rest periods, even though you may go over the 15 hours of actual flight time. So it works out, in the long range, they can do things they couldn't do otherwise.

Here is the thing not many people realize about nonscheduled airlines. The Department of Defense depends on them for 95 percent of all military passengers and 40 percent of military cargo. That is going into Iraq, Afghanistan, all throughout the danger points, and Southwest Asia, and it is expected that these new regulations will negatively impact the mission capability and increase the cost to both the carriers and to DOD.

Supplemental flights in support of the Department of Defense are carried out under control of the Air Mobility Command, which is at Fort Scott Air Force Base in Illinois. A central feature of the supplemental carrier's ability to complete these critical missions every day is the flexibility built into subpart S of the FAA regulations.

I am not offering something that is going to change how they treat subpart S. I am only going to say they currently have a rule they are considering, and this rule would do away with the distinction between subpart Q, R, and subpart S, which is nonscheduled airlines. So if we are depending upon these nonscheduled airlines to fly our troops, our cargo into these war-torn areas, then there is no other way of doing it.

You can say: Well, the Air Force can use their C–17s. Right now the Air Force's C–17s are in an OPTEMPO, where they can't take on any more missions. So you have critical things that are happening—such as flying blood into areas of combat. Let me give a couple examples. There is a regular run that goes from NATO—that is Belgium—from Belgium to Bagram, then back to Amsterdam. They are taking things such as tents, cargo, gasoline, food, and other supplies. That would be 19.6 hours. That means they can't do it. To do it, they would have to have crew rest time, and that would have to take place in Bagram. There are rules against it. You can't leave a commercial airline in Bagram. It cannot be done. So you have to figure out some way to get that cargo in and out of Bagram.

There is another regular run from Germany to Kandahar and then to Hong Kong. Well, that is 17.5 hours, so you can't do that because you can't leave your aircraft in a war zone. There is another run from Shannon to Kyrgystan and return, and that is something that is 16 hours and 15 minutes. That can't be done.

I think the one that is most critical is twice a week one carrier currently operates and takes lifesaving blood runs from McGuire Air Force Base in New Jersey to Ramstein in Germany and then to Qatar. From Qatar, they have to go all the way into Afghanistan and back, and that round trip extends beyond the 15 hours that would be allowed with a scheduled airline. So under subpart S, they can do it. We are talking about twice a week, regular runs, taking blood into areas in Afghanistan where it is critical we get it in.

So I am just saying the FAA, in promulgating the rules they are looking at right now, should take into consideration that there is a separate type of a mission that has to be performed for our young men and women in harm's way, and we can't do it unless we treat the subpart S of the rule FAR 121 from the scheduled airlines. So I am hoping we will have a chance.

My concern is this: There are a lot of people who, for some labor reasons, don't want to have anyone to have the ability to go beyond the 15 hours, even though they get more rest time. I am the only one talking about the fact we have the lives of our young men and women in harm's way at stake depending on this subpart S treatment. So this thing is very critical. I believe we should do something to make sure, if they are going to look at the rules, they at least look at the rules in a different light than just looking at them altogether, but look at subpart S and hear the testimony and see if that doesn't work, the special consideration.

THE BUDGET

Mr. President, I don't see anyone else in the Chamber waiting to talk, so I wish to make one additional comment. I was in shock when I got off the plane and read what the President came out with in his budget. I think it is unbelievable—$8.7 trillion in new spending, $1.6 trillion in new taxes, $13 trillion in new debt, the current year deficit increased by $1.6 trillion—not $1.4 or $1.5, as they talked before—and it is incredible this could be happening right now.

I wonder if he didn't get the message of last November 2; that is, people know we cannot keep extending the spending, the fact we had an increase in the first 2 years—and this came straight from the White House, from the administration—in our spending greater than all spending in the history of this country from George Washington to George W. Bush can't happen. People are talking about the deficits that took place during George W. Bush, with an average deficit of $247 billion, and that was right after trying to rebuild a military and after 9/11, when we found ourselves, for all practical purposes, in two wars. So instead of a deficit of $247 billion, the deficit in this administration has been $3 trillion in 2 years. That is inconceivable.

I thought he would come out with something, after listening to the State of the Union Message, that would start moderating and start trying to save some money, but it hasn't happened. There is spending money on everything except the military, which is the big loser. I don't know why it is that liberals never want to spend money on the military—an $80 billion cut over a 5-year period in the Department of Defense. This is right after we went through the 1990s, where we had a

drawdown of our Defense by about 40 percent, and of course we find ourselves now, after 9/11, in two wars.

So I think we need to make sure the American people realize the State of the Union Message sounded real good when he said we are going to start putting a freeze on. You know what that freeze is? The freeze is to take the nondefense discretionary spending and freeze it for 5 years. But wait a minute, that is after he increased it over 20 percent. So he increased it so we can't afford it and then he freezes it there so we can't bring it back down.

So anyway, I hope people are looking carefully and seeing what is happening. They will. If you look at what they are doing just to the oil and gas industry—and I know a lot of people in the liberal communities who want to put them out of business, and they are going to successfully do it if they pass this particular budget—I am talking about percentage depletion, the IDC—the section 199 manufacturer's deduction. By the way, the only industry under this budget that is affected negatively by that is oil and gas. All other manufacturers in industry are all right. So I hope people have a chance to look at this carefully.

With that, 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. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 75, AS MODIFIED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the pending amendment also be set aside to call up the Baucus amendment, No. 75, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BAUCUS, proposes an amendment numbered 75, as modified.

Mr. ROCKEFELLER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a substitute)

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2010'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2010'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Paragraph (2) of section 4081(d) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking ''(4)(C) or (5)'' and inserting ''(4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(C) Subsection (l) of section 6427 is amended by striking ''DIESEL FUEL AND KEROSENE'' in the heading and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Paragraph (1) of section 6427(l) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(5),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term ''aviation-grade kerosene'' means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after

subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting ''or when such aircraft is a turbine engine powered aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: ''Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

Mr. ROCKEFELLER. 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. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GALLAUDET UNIVERSITY

Mr. BROWN of Ohio. Mr. President, I rise to talk about one of America's great institutions, Gallaudet University. On July 4, 1861, President Lincoln celebrated our Nation's independence on the eve of the Civil War by declaring to Congress the principal aim of the U.S. Government should be ''to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford an unfettered start and a fair chance in the race of life.''

Just a few months before that President Lincoln signed into Federal law the authorization to confer collegiate degrees to the deaf and to the hard of hearing at a campus in Washington, DC. For the first time in the Nation's history and still alone to this day Gallaudet University is the only liberal arts university in the world dedicated to the pursuit of higher education for deaf and hard of hearing people. Simply put, Gallaudet is a gem, a gem for this city, a gem for our country, a gem for the world for higher education, truly a national university located a short distance from the Capitol and founded by President Abraham Lincoln.

I am one of two appointees—one from the House, one from the Senate—by statute to the board of trustees at Gallaudet University. During my tenure on the board I have met with proud alumni and supporters of Gallaudet in Ohio and in Washington.

Last Friday I was again on campus and met with members of the board, the president's cabinet, and a few students. Some people I admire a great deal, with whom I have talked about the culture of our nation's deaf communities, are Jay and Meredith Crane. Jay is a member of the Gallaudet board of trustees.

Jay and his wife Meredith are outstanding advocates for Ohio's deaf community and culture. Jay and Meredith have a son and a daughter who are deaf. They demonstrate to all of us how important a Gallaudet education can be in one's life.

Jay's son, at an event in Columbus last year, explained to us how Gallaudet is an oasis for students, students who have lived all over the country, generally integrated into a community but having a sense of isolation among people who are not deaf. Yet Jay's son, when coming to the university, talked about what an oasis Gallaudet University is for him and for his classmates.

The parents, the educators, the administrators at Gallaudet serve as role models and continue to make a difference in the lives of students. That is why the relationship between Gallaudet and our Federal Government is so important. It is why our support and encouragement of deaf and hard-of-hearing students allow them to explore new opportunities and experiences to enrich our workplaces and our communities.

The overwhelming majority of undergraduate students at Gallaudet are deaf. About half of the students at the graduate school at Gallaudet are deaf and half of them are hearing students. Many of those graduates, graduates and undergraduates in the master's program at Gallaudet, go into serving the deaf around the country. Many of them, as Jay and Meredith's son, go into other professions not directly concerned with the deaf. Jay and Meredith's son, for example, is in law school in California. Most of these students come from middle-class or working-class families.

In 2008–2009, more than 80 percent of Gallaudet students received financial aid in order to get the education they deserve. These students are talented. I will soon have a Gallaudet intern by the name of Brianna Johnson, a student at Gallaudet, who is an education and human rights justice major. She will be graduating in May 2010. She is on the dean's scholar list. She is originally from Atlanta, GA.

The Gallaudet University women's basketball team, ranked 18th in the Nation, was undefeated until, unfortunately, this past weekend when they lost to Penn State-Harrisburg. They play in the North Eastern Athletic Conference, division III. One of their guards is a graduate from the Columbus School for the Deaf in Columbus,

OH. Their head coach is Mark Ehlen. Their assistant coach came out of one of the great women's basketball programs in Ohio, Stephanie Stevens, a 2010 graduate of the University of Cincinnati. She went to Pickerington High School, which has been in the state finals and final four many times.

As we prepare our Nation to ''win the future'' and outcompete and outeducate the rest of the world, we must ensure that mission includes all Americans. The creation of Gallaudet, 140-plus years ago, helped establish a nationwide community for generations of deaf children.

Ohio's first school for the deaf was established in 1829 in a small house right near where the State House now is on Broad and Highway in Columbus. That school, the Columbus School for the Deaf for Ohio, will soon have a new campus on 200 acres on Morse Road in Columbus with convenient student housing and modern education technology and space for future expansion. Such progress demonstrates how far education for deaf and hard-of-hearing students has come, and how much farther it can go.

Last year I gave a speech on this floor honoring Gallaudet as the Senate passed a resolution commemorating the 145th anniversary of Gallaudet's charter that was authored by President Lincoln. And 141 years ago, the three members of Gallaudet's first graduating class received degrees signed by President Lincoln.

Last year, during Gallaudet's 140th commencement, 10 Ohio students graduated from Gallaudet with a degree signed by President Obama. I am concerned, though, that funding for Gallaudet may be compromised in the budget that is working its way through the House of Representatives. Gallaudet's budget has been frozen at $118 million for, I believe, 3 straight years. They have gotten no increase in Federal funding. They raise private money. They obviously charge tuition, although a huge percentage of their students, as I said, are on scholarship. The Federal money they have has not increased over the last, I believe, 3 years.

My concern is as the budget makes its way through here, we do not just help those students who are going to Gallaudet but we do understand that Gallaudet is one of our Nation's gems, a national university unlike any other, not just in the United States of America but any other university anywhere in the world. The proud alumni of Gallaudet have enriched our communities and have taught all of us the meaning of the values President Lincoln laid before us, that we educate ourselves as part of a community, full of opportunity, free of, as Lincoln said, artificial weight that works toward the good of our society.

Gallaudet is a jewel for our country. It is an honor to be on their board. It is an honor, frankly, to me, as a mission for the United States of America, that we continue to assist this great national university that is a credit to all of us.

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.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 223 on Tuesday, February 15, at 11 a.m.; further that at 11:40 a.m., the Senate proceed to the consideration of the Nelson of Nebraska amendment No. 58; that a Nelson second-degree amendment, which is at the desk, be agreed to, there be up to 20 minutes of debate, equally divided, prior to a vote in relation to the amendment, as amended; that no further amendments be in order to the Nelson of Nebraska amendment prior to the vote; and that the motion to reconsider be laid upon the table and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that at 2:15 p.m. there be 10 minutes of debate equally divided and controlled in the usual form prior to a vote on or in relation to Wicker amendment No. 14, as modified; that all amendments covered in this agreement be subject to a 60-vote threshold; that if an amendment does not achieve 60 affirmative votes, the amendment be withdrawn; that there be no second-degree amendments in order prior to the votes; and 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ELLEN MALDONADO

Mr. INOUYE. Mr. President, it is a somewhat poorly kept secret that many of the successes of government are attributable to those who work outside of the limelight. While Senators, Cabinet Secretaries, and even the generals in our military are the public face of the policies of the United States, behind every leader is a cadre of dedicated and knowledgeable civil servants.

Today I wish to call out one name in particular. Ellen Maldonado, a professional staff member on the Senate Appropriations Committee, will soon be retiring after 30 years of government service. Ellen joined the Defense Subcommittee in 2006, brought onboard by my friend and former colleague, Senator Ted Stevens. The subcommittee, and in fact the Senate as a whole, was fortunate to find someone with such a wealth of talent and experience in the complex field of budgeting for our Armed Forces.

Ellen has worked at every level of the budgeting workforce for our military establishment. She began her career as a program analyst at the Naval Ship Research and Development Center in Carderock, MD, and rapidly progressed through the ranks in critical budgeting positions both inside and outside the beltway. Some of her most rewarding positions outside of Washington have included service at the Defense Language Institute in Monterey, CA, Air Force Special Operations Command at Hurlburt Field, and even the U.S. Embassy in Lima, Peru.

Inside the Pentagon, Ellen worked on an impressive array of budgeting issues. From revising the Army's reprogramming process to programming for military health care, from reviewing defense research and development programs to developing emergency spending requests for the wars in Iraq and Afghanistan, she has earned the respect of all of those around her. She has won a reputation of being an expert on the most arcane points of the Financial Management Regulations, as well as understanding the details of highly complex weapons systems. Ellen has been recognized for her outstanding achievements by being awarded both the Secretary of Defense Medal for Meritorious Service and the Exceptional Civilian Service Award.

Ellen's career at the Pentagon culminated in her 2005 appointment as the Director for Investment for the Comptroller of the Department of Defense. In this position, she was responsible for overseeing the budget for every stage of developing, testing, and procuring equipment for all of the military services. This position brought her into regular contact with the highest levels of the Department of Defense, as well as Congress and the Office of Management and Budget.

It is extremely fortunate for the Committee on Appropriations that we managed to lure her away from this important position in 2006. While serving on the Defense Subcommittee, Ellen has excelled in reviewing the budget proposals on critical Army, Navy, Air Force, Marine Corps, and intelligence programs. She has tackled some of the greatest national security challenges facing our country today, including an in-depth investigation into our government's cyber security efforts and exhaustive reviews of the Nation's most expensive military program in history, the Joint Strike Fighter. Her impressive track record made her a natural pick to join President Obama's transition team at the Department of Defense in 2008 and 2009.

While I could continue to list her professional successes, one cannot comment on her career without saying a few words on her outstanding character. Ellen combines a sunny disposition with a deep-rooted sense of fairness. She is a true master of her field, and always eager to share her knowledge and experience with her colleagues. While consistently a good steward of the taxpayer's money, her patriotism has insured that the welfare of the men and women serving in uniform has always been foremost in her mind. And finally, everyone who knows Ellen also knows of her remarkable and touching relationship with her husband, Rob. They are truly a magical couple, and I understand that they have plans to travel the world later this year.

Ellen Maldonado has had an outstanding career in three decades of service in the Department of Defense and the Senate. On behalf of the whole Committee on Appropriations, I wish to thank Ellen for her tireless and outstanding work on behalf of the members of the Armed Forces, her colleagues, and the people of the United States. I wish Ellen and Rob all the very best in their future plans.

TRIBUTE TO LIEUTENANT ANNA DIXON

Mr. MCCONNELL. Mr. President, I rise today to recognize the impressive accomplishments of a remarkable woman and native of the Commonwealth, Lieutenant Anna Dixon of the U.S. Coast Guard. Lieutenant Dixon has always possessed an adventurous spirit and harbored a desire to expand her horizons and explore the possibilities of the world outside of her hometown of Barbourville, KY. So it came as no surprise to those who know her that upon graduating from Barbourville High School and attending the University of Kentucky to study architecture for a year, Lieutenant Dixon decided to take advantage of an exchange program and follow her dream of becoming a marine biologist at Coastal Carolina College in Myrtle Beach, SC.

Upon graduating with her degree in marine science and working at an environmental testing lab, Lieutenant Dixon decided to take another adventurous and courageous leap and enlist in the U.S. Coast Guard. Lieutenant Dixon not only completed her basic training at Camp May, NJ, in August of 2004, but also graduated at the top of her class and was assigned to the Coast Guard Station in Long Beach, CA, where she remained for 2 years.

In the years that followed, this bright and determined woman worked tirelessly to qualify for numerous positions within the U.S. Coast Guard, including Officer Candidate School where she graduated third in her class, as a patroller on the Coast Guard Cutter Spencer, and as Chief of Contingency Preparedness at the Coast Guard Station in Key West, FL. Most recently, Lieutenant Dixon was assigned the duties of public information officer for the Florida Keys response to the Deepwater Horizon oilspill, and was hand-selected to be the lead advance officer and deputy press secretary for now-retired National Incident Commander Admiral Thad Allen of the U.S. Coast Guard.

During her time in the post from July to October of 2010, Lieutenant Dixon worked steadfastly to coordinate daily national press conferences for Admiral Allen and other high-ranking national leader, to make sure information on one of the Nation's most devastating offshore disasters was delivered in a timely and accurate manner. Because of her strong sense of leadership and her eye for detail, Lieutenant Dixon was selected by a board of Coast Guard officers to attend a fully funded graduate program to further her experience in communications and public relations, as well as to complete a follow-on tour as a public affairs officer for a multistate Coast Guard district.

It is unquestionable that Lieutenant Dixon's career successes, including her recent change in rank, have come with much sacrifice, but have been well-deserved. I ask my colleagues to join me in recognizing the accomplishments of LT Anna Dixon, and in sending congratulations to her proud parents Katy Jones and Bill Matt Dixon, and stepparents Michael Jones and Kay Dixon. I wish Lieutenant Dixon continued success for the future.

The Mountain Advocate recently published a story about Lieutenant Dixon and her successful career. 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 Mountain Advocate, Jan. 6, 2011]

(By Eddie Arnold)

JUST CALL HER 'LIEUTENANT'

When Anna Dixon graduated from Barbourville High School in 1998, she had dreams of being a marine biologist. However, with the nearest ocean hundreds of miles away, pursuing such a career seemed even unlikely.

Little did she know that working in and around oceans is something that she would eventually do—not as a marine biologist but as a member of the United States Coast Guard.

Even more ironic is that she never even considered the military as a young girl. ''I never even thought about it,'' she said.

After one year at the University of Kentucky as a student of architecture. she chose to take advantage of an exchange program and moved to South Carolina, where she graduated from the Coastal Carolina College in Myrtle Beach with a B.S. degree in marine science.

''There are very few jobs for marine biologists that don't have an advanced degree,'' she said. It was then that her best friend's husband, who was in the Army, suggested that she consider the Coast Guard. ''I didn't even know what that was, I thought they were water cops.''

However, the suggestion planted a seed in Dixon's mind. ''At first it was a joke. But the more I joked about it, the more I thought maybe it's not that bad of an idea,'' she said.

After graduation and while living in Savannah, Dixon worked at an environmental testing lab. ''It was like real chemistry, but I could tell that was what I would be doing forever if I didn't make a change and go out on a limb. So I went and talked with a recruiter,'' she said, adding that she made the decision to enlist. ''It sounded like a really good idea.''

Dixon graduated from basic training at Cape May, New Jersey at the top of her class in August 2004. After going on to Boatswain's Mate ''A'' School training, she was assigned to the Coast Guard Station Los Angeles/Long Beach where she remained from December 2004 to March 2006.

''I worked really hard and got qualified as quickly as I could and got recommended to go to Officer Candidate School, where she graduated third in her class.

From there, she went to a ship—the Coast Guard Cutter Spencer out of Boston, Massachusetts.

''I never wanted to do ship life.'' she said. ''But I thought if I didn't do it then. I would never get the chance to do it.''

During her two years aboard ship, they patrolled from the northeast coast off Canada all the way down to the Caribbean, including doing migrant patrols.

Even though Dixon said she learned a lot on that assignment, she longed to get her feet back on dry land. When she applied for a new assignment, she noticed that Key West was available. ''I thought to myself there's no way I'm going to get that. There will be thirty other people in line for that. When I learned that I had got it, I was off the coast of Canada. It was like eight degrees,'' she said. ''At three o'clock in the morning I got an email saying I was going to Key West.''

Being a female presented it's own set of challenges for Dixon. ''During my whole time in the Coast Guard it has been a challenge no matter where I go. But within a month, they find out that I am for real. But I've never had any real problems,'' she said.

Since being assigned at Key West through the present, Dixon's job as Chief of Contingency Preparedness has posed challenges also.

In April of this year she was assigned the duties of public information officer for the Florida Keys response to the Deepwater Horizon oil spill.

''Since I've been doing that it has been a full-time thing,'' she said. ''But I am still the chief of planning.

Dixon was hand-selected to be the Lead Advance Officer and Deputy Press Secretary for National Incident Commander Admiral Thad Allen (USCG-Ret.), a job she held from July through October of this year.

During her time in the post, she coordinated daily national-level press conferences for Allen and other high-ranking national leaders including Dr. Lane Lubchenco, Director of the National Oceanic and Atmospheric Administration.

Although she has enjoyed her duty assignments so far, Dixon said she is looking forward to the next level in her career.

''I have been selected by a board of Coast Guard officers to attend a fully-funded graduate program to study communications and public relations, with a follow-on tour as a Public Affairs Officer for an entire multistate Coast Guard district,'' she said.

Dixon, who was recently promoted to the rank of lieutenant, said she has enjoyed her six plus years in the Coast Guard. ''I didn't know what to expect when I went in but I definitely didn't expect to live in eight states and have all these different experiences. It has been unbelievable,'' she said, adding that her family and friends are really proud of me.

''My friends laugh because they say 'Anna is in charge of things?' They don't see me as Lt. Dixon, they just see me as Anna. But they are all super proud of me.''

Over the holidays, she came home to spend some time with her family, including her parents Katy and Michael Jones of Corbin, Bill and Kay Dixon of Barbourville, and brothers John W. Dixon and Matthew Dixon.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

America is emerging from the worst recession in generations. In 2010, an economy that had been shrinking began to grow again. After nearly 2 years of job losses, America's businesses added more than one million jobs. Our capital and credit markets are functioning and strong. Manufacturing is coming back. And after teetering on the brink of liquidation just 2 years ago, America's auto industry is posting healthy gains and returning money to the taxpayers who helped it through a period of turmoil. The determination and resilience of the American people and the tough choices we made over the past 2 years helped to pull our economy back from the brink of a second Great Depression.

Two years after those dark days, the stock market is booming. Corporations are posting record profits. Momentum is building. Yet, in America, we have always had a broader measure of economic health. We believe in a country where everyone who is willing to work for it has the opportunity to get ahead; where the small businessperson with a dream or entrepreneur with a great new idea has their best chance to make them a reality; where any child can go as far as their talent and tenacity will take them. That is the genius of America. That spirit is what has built the greatest prosperity the world has ever known.

So even as recovery begins to take hold, we have more work to do to live up to our promise by repairing the damage this brutal recession has inflicted on our people, generating millions of new jobs, and seizing the economic opportunities of this competitive, new century.

These must be the priorities as we put together our Budget for the coming year. The fiscal realities we face require hard choices. A decade of deficits, compounded by the effects of the recession and the steps we had to take to break it, as well as the chronic failure to confront difficult decisions, has put us on an unsustainable course. That's why my Budget lays out a path for how we can pay down these debts and free the American economy from their burden.

But in an increasingly competitive world in which jobs and businesses are mobile, we also have a responsibility to invest in those things that are absolutely critical to preparing our people and our Nation for the economic competition of our time.

We do this by investing in and reforming education and job training so that all Americans have the skills necessary to compete in the global economy. We do this by encouraging American innovation and investing in research and development—especially in the job-creating industries of tomorrow such as clean energy. We do this by rebuilding America's infrastructure so that U.S. companies can ship their products and ideas from every corner in America to anywhere in the world. And finally, we do this by coming together as Americans, not Democrats or Republicans, to make the tough choices that get America's fiscal house in order, investing in what works, cutting what doesn't, and changing the way business is done in Washington.

Growing the economy and spurring job creation by America's businesses, large and small, is my top priority. That's why, over the course of the last year, I pushed for additional measures to jump-start our economic recovery: tax credits for businesses that hire unemployed workers; assistance to States to prevent the layoffs of teachers; and tax cuts and expanded access to credit for small businesses. At the end of the year, I signed into law a measure that provided tax cuts for 159 million workers saving the typical worker $1,000 per year. And the same law extended important tax credits to help families make ends meet and afford to send their kids to college. This bipartisan tax cut plan also gave businesses two powerful incentives to invest and create jobs: 100 percent expensing on the purchase of equipment and an extension of the research and experimentation tax credit.

Moreover, my Administration has moved aggressively to open markets abroad and boost exports of American made goods and services, signing a new trade agreement with South Korea, the twelfth-largest economy in the world. And last month, I laid out a balanced approach to regulation that is pragmatic, driven by data, and that will protect the health and well-being of the American people and help lay the groundwork for economic growth and job creation.

These steps will help the economy this year. But it is also essential that we take stock and look to the future—to what kind of America we want to see emerge from this crisis and take shape for the generations of Americans to come. This Budget lays out our roadmap not just for how we should invest in our economy next year, but how we should start preparing our Nation to grow, create good jobs, and compete in the world economy in the years ahead.

At its heart is a recognition that we live in a world fundamentally different than the one of previous generations. Revolutions in communication and technology have made businesses mobile and commerce global. Today, a company can set up shop, hire workers, and sell their products wherever there is an Internet connection. It is a transformation that has touched off a fierce competition among nations for the jobs and industries of the future.

The winners of this competition will be the countries that have the most skilled and educated workers; a serious commitment to research and technology; and access to quality infrastructure like roads and airports, high-speed rail, and high-speed Internet. These are the seeds of economic growth in the 21st century. Where they are planted, the most jobs and businesses will take root.

In the last century, America's economic leadership in the world went unchallenged. Now, it is up to us to make sure that we maintain that leadership in this century. At this moment, the most important contest we face as a Nation is not between Democrats and Republicans or liberals and conservatives. It's between America and our economic competitors around the world.

There is no doubt in my mind that we can win this competition. The United States is home to the world's best universities and research facilities, the most brilliant scientists, the brightest minds, and some of the hardest-working, most entrepreneurial people on Earth. But our leadership is not guaranteed unless we redouble our efforts in the race for the future.

In a generation, we've fallen from first place to ninth place in the proportion of our young people with college degrees. We lag behind other nations in the quality of our math and science education. The roads and bridges that connect the corners of our country and made our economy grow by leaps and bounds after World War II are aging and in need of repair. Our rail and air traffic systems are in need of modernization, and our mobile networks and high-speed Internet access have not kept pace with some of our rivals,

putting America's businesses and our people at a competitive disadvantage.

In 1957, when the Soviet Union beat us into space by launching a satellite called Sputnik, it was a wake-up call that caused the United States to boost our investment in innovation and education—particularly in math and science. As a result, we not only surpassed the Soviets, we developed new American technologies, industries, and jobs. Fifty years later, our generation's Sputnik moment has arrived. Our challenge is not building a new satellite, but to rebuild our economy. If the recession has taught us anything, it is that we cannot go back to an economy driven by too much spending, too much borrowing, and the paper profits of financial speculation. We must rebuild on a new, stronger foundation for economic growth. We need to do what America has always been known for: building, innovating, and educating. We don't want to be a nation that simply buys and consumes products from other countries. We want to create and sell products all over the world that are stamped with three simple words: ''Made in America.''

My Budget makes investments that can help America win this competition and transform our economy, and it does so fully aware of the very difficult fiscal situation we face. When I took the oath of office 2 years ago, my Administration was left an annual deficit of $1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than $8 trillion. These deficits were the result of a previous 8 years of not paying for programs—notably, two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that exacerbated our fiscal situation as revenue decreased and automatic Government outlays increased to counter the recession and cushion its impact.

We took many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going line by line through the budget looking for outdated, ineffective, or duplicative programs to cut or reform. And, most importantly, we enacted the Affordable Care Act. Along with giving Americans more affordable choices and freedom from insurance company abuses, reform of our health care system will, according to the latest analysis by the non-partisan Congressional Budget Office, reduce our budget deficits by more than $200 billion in its first decade and more than $1 trillion over the second.

Now that the threat of a depression has passed, and economic growth is beginning to take hold, taking further steps toward reducing our long-term deficit has to be a priority, and it is in this Budget. The reason is simple: in the long run, we will not be able to compete with countries like China if we keep borrowing more and more from countries like China. That's why in this Budget, I put forward a number of steps to put us on a fiscally sustainable path.

First, I am proposing a 5-year freeze on all discretionary spending outside of security. This is not an across-the-board cut, but rather an overall freeze with investments in areas critical for long-term economic growth and job creation. A commonsense approach where we cut what doesn't work and invest in those things that make America stronger and our people more prosperous. Over a decade, this freeze will save more than $400 billion, cut non-security funding to the lowest share of the economy since at least 1962, and put the discretionary budget on a sustainable trajectory.

Making these spending cuts will require tough choices and sacrifices. One of them is the 2-year freeze on Federal civilian worker salaries. This is in no way a reflection on the dedicated service of Federal workers, but rather a necessary belt-tightening measure during these difficult times when so many private sector workers are facing similar cuts. This Budget also includes many terminations and reductions to programs across the entire Federal Government. These cuts include many programs whose mission I care deeply about, but meeting our fiscal targets while investing in our future demands no less. All told, we have put forward more than 200 terminations and reductions for over $30 billion in savings.

Even in areas outside the freeze, we are looking for ways to save money and cut unnecessary costs. At the Department of Defense, for instance, we are reducing its funding by $78 billion over the next 5 years on a course for zero real growth in funding. To do this, Secretary Gates is pursuing a package of terminations, consolidations, and efficiencies that include, for example, the elimination of the Marine Corps Expeditionary Fighting Vehicle; the consolidation of four Air Force air operations centers into two; and reducing the number of Generals and Admirals by more than 100. And throughout the entire Government, we are continuing our efforts to make Government programs and services work better and cost less: using competition and high standards to get the most from the grants we award, getting rid of excess Federal real estate, and saving billions of dollars by cutting overhead and administrative costs.

Second, I continue to oppose the permanent extension of the 2001 and 2003 tax cuts for families making more than $250,000 a year and a more generous estate tax benefiting only the very largest estates. While I had to accept these measures for 2 more years as a part of a compromise that prevented a large tax increase on middle-class families and secured crucial job-creating support for our economy, these policies were unfair and unaffordable when enacted and remain so today. I will push for their expiration in 2012. Moreover, for too long we have tolerated a tax system that's a complex, inefficient, and loophole-riddled mess. For instance, year after year we go deeper into deficit and debt to pay to prevent the Alternative Minimum Tax (AMT) from hurting many middle-class families. As a start, my Budget proposes a 3-year fix to the AMT that is paid for by an across-the-board 30 percent reduction in itemized deductions for high-income taxpayers. My Administration will work with the Congress on a long-term offset for these costs.

Third, to address looming, long-term challenges to our fiscal health, the Budget addresses future liabilities in the unemployment insurance system; the Pension Benefit Guaranty Corporation, which protects the pensions of workers whose companies have failed; and the Federal Housing Administration, which plays a critical role in affordable housing. It also is committed to implementing the Affordable Care Act swiftly and efficiently since rising health care costs are the single biggest driver of our long-term fiscal problems. Finally, as a down payment toward a permanent fix, the Budget proposes additional reforms to our health care system that would be sufficient to pay for 2 years of fixing the Medicare's sustainable growth rate, thus preventing a large cut in Medicare reimbursements for doctors that would jeopardize care for older Americans.

In addition, I believe that we need to act now to secure and strengthen Social Security for future generations. Social Security is a solemn commitment to America's seniors that we must preserve. That is why I have laid out my principles for reform and look forward to working with the Congress on ensuring Social Security's compact for future generations.

As we move to rein in our deficits, we must do so in a way that does not cut back on those investments that have the biggest impact on our economic growth because the best antidote to a growing deficit is a growing economy. So even as we pursue cuts and savings in the months ahead, we must fund those investments that will help America win the race for the jobs and industries of the future—investments in education, innovation, and infrastructure.

In an era where most new jobs will require some kind of higher education, we have to keep investing in the skills of our workers and the education of our children. And that's why we are on our way to meeting the goal I set when I took office: by 2020, America will once again have the highest proportion of college graduates in the world.

To get there, we are making college more affordable for millions of students, through the extension of the American Opportunity Tax Cut and maintaining our historic expansion of the Pell Grant program while putting it on firm financial footing. We are taking large steps toward my goal of preparing 100,000 science, technology, engineering, and mathematics teachers over the next decade. And we are continuing our reform of elementary and secondary education—not from the top-down, but from the bottom-up. Instead

of indiscriminately pouring money into a system that doesn't always work, we are challenging schools and States to compete in a ''Race to the Top'' to see who can come up with reforms that raise standards, recruit and retain good teachers, and raise student achievement, especially in math and science. We are expanding the ''Race to the Top'' to school districts, and since in today's economy learning must last a lifetime, we are extending this competitive framework to early childhood education, universities and colleges, and job training.

Once our students graduate with the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today's high-tech, global economy, that means the United States must be the best place to do business and the best place to innovate. That will take reforming our tax code, and I am calling for immediate action to rid the corporate tax code of special interest loopholes and to lower the corporate rate to restore competitiveness and encourage job creation—while not adding a dime to the deficit.

And since many companies do not invest in basic research that does not have an immediate pay off, we—as a Nation—must devote our resources to these fundamental areas of scientific inquiry. In this Budget, we are increasing our investment in research and development that contributes to fields as varied as biomedicine, cyber-security, nano-technology, and advanced manufacturing. We are eliminating subsidies to fossil fuels and instead making a significant investment in clean energy technology—boosting our investment in this high-growth field by a third—because the country that leads in clean energy will lead in the global economy. Through a range of programs and tax incentives, this Budget supports my goals of the United States becoming the first country to have one million electric vehicles on the road by 2015 and for us to reach a point by 2035 where 80 percent of our electricity will come from clean energy sources. We also are working toward a 20 percent decrease in energy usage in commercial and institutional buildings by 2020, complementing our ongoing efforts to improving the efficiency of the residential sector. If this is truly our Sputnik moment, we need a commitment to innovation that we have not seen since President Kennedy challenged us to go to the moon.

To flourish in the global economy, we need a world-class infrastructure—the roads, rails, runways, and information superhighways that are fundamental to commerce. Over the last 2 years, our investments in infrastructure projects already have led to hundreds of thousands of good private sector jobs and begun upgrading our infrastructure across the country. But we still have a long way to go.

In this Budget, I am proposing a historic investment in repairing, rebuilding, and modernizing our transportation infrastructure. The Budget features an immediate, up-front investment of $50 billion to both generate jobs now and lay a foundation for future economic growth. Looking toward the future, the Budget provides funds to develop and dramatically expand access to high-speed rail as well as the creation of a National Infrastructure Bank to support projects critical to our national competitiveness. While this transportation bill is a major investment of funds, it is also a major reform of how transportation funds have been invested in the past. We are committing to paying for our surface transportation plan and making it subject to the Congress' pay-as-you-go law; to consolidating duplicative, earmarked programs; and to making tens of billions of dollars of funds subject to a competitive ''Race to the Top'' process.

And looking to what we will need to thrive in the 21st century, I am proposing an ambitious effort to speed the development of a cutting-edge, high-speed wireless data network that will reach across our country to 98 percent of Americans and provide for the needs of both our citizens and our first responders. We are the Nation that built the transcontinental railroad and the first airplanes to take flight. We constructed a massive interstate highway system and introduced the Internet to the world. America has always been built to compete, and if we want to attract the best jobs and businesses to our shores, we have to be that Nation again.

Finally, to make it easier for our businesses and workers to sell their products all over the globe, we are working toward our goal of doubling U.S. exports by 2014. This will take specific efforts to open up markets and promote American goods and services. It also will take maintaining American leadership abroad and ensuring our security at home. This Budget invests in all elements of our national power—including our military—to achieve our goals of winding down the war in Iraq; defeating al Qaeda in Afghanistan and around the world; reducing the threat of nuclear weapons; and preparing our Nation for emerging threats. We also invest resources to provide for our men and women in uniform and to honor the service of our veterans. And we do this all with an eye to cutting waste, finding efficiencies, and focusing resources on what is essential to our security.

Throughout our history, the investments this Budget makes—in education, innovation, and infrastructure—have commanded support from both Democrats and Republicans. It was Abraham Lincoln who launched the transcontinental railroad and opened the National Academy of Sciences; Dwight Eisenhower who helped build our highways; and Republican Members of Congress who worked with Franklin Roosevelt to pass the GI Bill. In our own time, leaders from both sides of the aisle have come together to invest in our infrastructure, create incentives for research and development, and support education reform such as those my Administration has been pursuing. Moreover, when faced with tough, fiscal challenges, our country's leaders have come together to find a way forward to save Social Security in the 1980s and balance the budget in the 1990s.

There are no inherent ideological differences that should prevent Democrats and Republicans from making our economy more competitive with the rest of the world. We are all Americans, and we are all in this race together. So those of us who work in Washington have a choice to make in this coming year: we can focus on what is necessary for each party to win the news cycle or the next election, or we can focus on what is necessary for America to win the future.

I believe we must do what this moment demands, and do what we must to spur job creation and make the United States competitive in the world economy. For as difficult as the times may be, the good news is that we know what the future could look like for the United States. We can see it in the classrooms that are experimenting with groundbreaking reforms and giving children new math and science skills at an early age. We can see it in the wind farms and advanced battery factories that are opening across America. We can see it in the laboratories and research facilities all over this country that are churning out discoveries and turning them into new startups and new jobs.

And when you meet these children and their teachers, these scientists and technicians, and these entrepreneurs and their employees, you come away knowing that despite all we have been through these past 2 years, we will succeed. The idea of America is alive and well. As long as there are people willing to dream, willing to work hard, and willing to look past the disagreements of the moment to focus on the future we share, I have no doubt that this will be remembered as another American century.

BARACK OBAMA.

THE WHITE HOUSE, *February 14, 2011.*

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 359. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 11, 2011, during the adjournment of the Senate, she had presented to the President of the United States the following enrolled bill:

S. 188. An act to designate the United States courthouse under construction at 98

West First Street, Yuman, Arizona, as the ''John M. Roll United States Courthouse.''

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–492. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin'' (Docket No. APHIS–2009–0098) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–493. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asparagus Revenue Market Loss Assistance Payment Program'' (RIN0560–AI02) received in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–494. A communication from the Secretary of Defense, transmitting , pursuant to law, a report relative to the department's intent to disestablish United States Joint Forces Command; to the Committee on Armed Services.

EC–495. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC–496. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General George W. Casey, Jr., United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–497. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General William E. Ward, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–498. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2009 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–499. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Reporting of Government Property Lost, Stolen, or Destroyed'' ((RIN0750–AG64)(DFARS Case 2008–D049)) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Armed Services.

EC–500. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Marking of Government-Furnished Property'' ((RIN0750–AG44)(DFARS Case 2008–D050)) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Armed Services.

EC–501. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–502. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC–503. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (44 CFR Part 65) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–505. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing an unconditional guarantee on a supply chain finance facility; to the Committee on Banking, Housing, and Urban Affairs.

EC–506. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Human Rights Abuses Sanctions Regulations'' (31 CFR Part 562) received during adjournment of the Senate in the Office of the President of the Senate on February 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–507. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Simplified Network Application Processing System, On-line Registration and Account Maintenance'' (RIN0694–AE98) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–508. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Implementation of Federal Acquisition Regulation (FAR) Award Fee Language Revision'' (RIN2700–AD69) received in the Office of the President of the Senate on February 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–509. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines'' ((RIN1902–AE11)(Docket No. RM07–9–003)) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Energy and Natural Resources.

EC–510. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NUHOMS HD System Revision 1'' (RIN3150–AI89) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes (Rept. No. 112–1).

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. UDALL of Colorado (for himself and Mr. BENNET):

S. 327. A bill to name the Department of Veterans Affairs telehealth clinic in Craig, Colorado, as the ''Major William Edward Adams Department of Veterans Affairs Clinic''; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 328. A bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country; to the Committee on Finance.

By Mr. SCHUMER:

S. 329. A bill to prohibit sex offenders from using property management or maintenance functions to access the residence of an individual; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 330. A bill to prohibit the sale of any product to a consumer that is subject to a recall, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. CORNYN):

S. 331. A bill to ensure that military voters have the right to bring a civil action under the Uniformed and Overseas Citizens Absentee Voting Act to safeguard their right to vote; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. ROBERTS):

S. 332. A bill to promote the enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 333. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; to the Committee on Energy and Natural Resources.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 334. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:

S. 335. A bill for the relief of Salah Naji Sujaa; to the Committee on the Judiciary.

By Mr. DEMINT:

S. 336. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 337. A bill for the relief of Sali Bregaj and Mjaftime Bregaj; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. NELSON of Florida):

S. 338. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 339. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. BAUCUS:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. BROWN of Massachusetts (for himself and Ms. AYOTTE):

S. 341. A bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 342. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing programs of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 343. A bill to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Ms. STABENOW, and Mr. TESTER):

S. 344. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN:

S. 345. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 346. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. LUGAR, Mr. COCHRAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. SNOWE, Mr. KERRY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. WICKER, Mr. FRANKEN, Ms. STABENOW, Mr. PRYOR, Mr. WHITEHOUSE, Mrs. BOXER, Mr. CARDIN, Mr. SCHUMER, Mrs. MURRAY, Mr. CASEY, Mr. BEGICH, Mr. BROWN of Ohio, Mr. BENNET, Mr. KIRK, Mr. BLUMENTHAL, Mrs. MCCASKILL, Mrs. HAGAN, Mrs. HUTCHISON, and Mr. COONS):

S. Res. 49. A resolution celebrating Black History Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 156

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 156, a bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

S. 195

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 210

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 251

At the request of Mr. VITTER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 277

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 277, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 281

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors 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. 282

At the request of Mr. COBURN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 282, a bill to rescind unused earmarks.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S.J. RES. 5

At the request of Mr. LEE, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

AMENDMENT NO. 7

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 7 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 27 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 50

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 50 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 64

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 64 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 327. A bill to name the Department of Veterans Affairs telehealth clinic in Craig, Colorado, as the ''Major William Edward Adams Department of Veterans Affairs Clinic''; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I rise to urge my colleagues to support legislation I am introducing today to name the Veterans Telehealth Clinic in Craig, Colorado, after Medal of Honor recipient Major William E. Adams. I am pleased that Senator BENNET will join with me in introducing this bill.

Our bill isn't the first effort to honor Major Adams. My good friend Congressman John Salazar introduced this legislation last year in the House of Representatives with the support of the entire Colorado delegation. I would like to see this bill through to passage in this Congress in part to honor John and his efforts to commemorate the heroism of Major Adams and to get the VA clinic established in northwest Colorado.

I'd also like to honor Larry Neu, a local business owner and Veterans of Foreign Wars Post 4265 quartermaster, who has been the architect of efforts to commemorate Major Adams. With Larry's leadership and the help of other Craig residents, the Colorado state legislature passed a resolution renaming part of Colorado Highway 13 the ''Maj. William Adams Medal of Honor Highway.'' I know he worked closely with Congressman Salazar in the last Congress to develop the legislation I am introducing today.

Above all, this bill is intended to honor Major William Adams himself and his ''conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty.''

A resident of Craig, Major Adams served and lost his life in the Vietnam War. He was awarded the Medal of Honor posthumously, after distinguishing himself while serving as an Army helicopter pilot. In May 1971, he volunteered to fly a lightly armed helicopter in an attempt to evacuate three seriously wounded soldiers from a small base that was under attack. He made the decision with full knowledge that numerous antiaircraft weapons were positioned around the base and that the clear weather would make him visible to enemy gunners. As he approached the base, the enemy gunners opened fire, but he continued his approach, directing the attacks of supporting gunships while maintaining control of the helicopter he was flying. He picked up the wounded soldiers, but his aircraft was then struck and damaged by enemy anti-aircraft fire and crashed.

I was pleased to learn that many of his family members attended the ceremony in November dedicating part of Colorado Highway 13 to Major Adams. I want to pay tribute today to his wife Sandra and his daughter Jean, both Colorado residents, and his son, Col. John Adams, an intelligence officer in the Marine Corps, recently back from Afghanistan. I hope this bill serves to reinforce what they already know—that Major Adams is a real hero to this county, to Colorado and to Craig. He is part of a special class of American heroes who will forever be remembered for their service and sacrifice. His story will continue inspiring generations to come, while reminding us all about the contributions and sacrifices of America's greatest.

I have introduced this legislation not only to recognize the sacrifice of Major Adams, but also to recognize the service of our Vietnam veterans and especially all veterans in Northwest Colorado. The Telehealth Clinic in Craig is on track to have nearly 1700 visits from area veterans this year, and I will always fight to make sure our veterans get the health care they earned and deserve.

As Larry Neu said about Major Adams, ''The man made the ultimate sacrifice for his country—he should not be forgotten.'' Passage of this bill will help us remember Major Adams and so many other brave veterans who have sacrificed their lives for our country. I urge my colleagues to support this legislation and to continue to support our dedicated men and women in uniform.

By Mr. HATCH (for himself and Mr. ROBERTS):

S. 332. A bill to promote the enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to reintroduce the Strengthening Our Commitment to Legal Immigration and America's Security Act. There is little doubt that our immigration system is broken and needs reform. Yet, we can make progress by starting with the laws that already exist. The proposed legislation would enhance our core immigration and enforcement laws for both legal and illegal immigrants.

When I first introduced my bill last September, I mentioned that it represents countless hours of conversation and feedback from my constituents. This bill is a common-sense approach on how best to enforce and tighten-up our immigration laws.

Of course, securing the actual physical border should remain our top priority. However, we cannot ignore the residual problems caused by a porous border. The weakness of a porous border has been experienced by communities across the country—draining all facets of local resources, including public safety, welfare programs, and medical assistance.

By no means is the proposed legislation intended to be a comprehensive immigration reform bill. Rather, it is focused on enforcement and accountability of existing immigration laws and programs. There is much that remains to be done before we can tackle comprehensive immigration reform. But this bill is the next step toward strengthening our immigration laws.

The Strengthening Our Commitment to Legal Immigration and America's Security Act will curb identity theft and techniques that have been exploited by the illegal alien community; stop the abuse by this administration from granting mass parole or deferral to illegal aliens; help prevent Mexican drug cartels from growing marijuana in our national parks and on our public lands; and prevent so-called sanctuary cities by requiring law enforcement agencies that are selected and enrolled in the 287(g) and Secure Communities programs to fully comply with the established requirements.

There is a need for accurate accounting to track the flow of federal and state welfare dollars given to illegal aliens and ensure that U.S. citizens are the first to receive Federal health benefits. Additionally, my bill would rectify a gaping hole in our visa system by requiring the Department of Homeland Security to create a mandatory visa exit procedure that would track the departure of our foreign visitors to the United States; provide that gang members will be ineligible to receive a visa for travel to our country; and direct the State Department to examine the Diversity Visa program, which in the past has been wrought with fraud and abuse.

I do not think anyone could disagree with the substance of the Strengthening Our Commitment to Legal Immigration and America's Security Act. It touches on some of the more overlooked, but critical areas of our broken immigration system. Moreover, I believe these steps can be enacted in a bipartisan fashion without creating a host of new programs and revenue streams. I encourage my colleagues to work with me to move this bill forward.

By Mrs. FEINSTEIN (for herself and Mr. NELSON of Florida):

S. 338. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deepwater Drilling Royalty Relief Prohibition Act.

The purpose of this bill is to ensure that taxpayer dollars are not used to incentivize the dangerous and often dirty business of offshore drilling in deep waters.

Over the past two decades, Congress has established a number of royalty-relief programs to encourage domestic exploration and production in deep waters. This may have made sense in times when oil prices were too low to provide energy companies with an incentive to drill in difficult places. It may have made sense before we were ready to deploy large scale renewable energy production.

But it no longer makes sense today.

The Deepwater Horizon catastrophe showed that safety and response technologies are not sufficient in deep waters. The President's National Oil Spill Commission pointed out that while offshore oil and gas will remain part of the nation's energy portfolio for years to come, we need to ''begin a transition to a cleaner, more energy-efficient future.'' I agree.

I believe that taxpayer-funded incentives should go to clean, renewable energy, not deepwater oil drilling. It's time that we roll-back incentives for the riskiest, least environmentally friendly non-renewable energy production.

The disastrous impacts of the Deepwater Horizon explosion illustrate the enormous environmental and safety risks of offshore drilling—particularly in deep waters. 11 people died and 17 others were injured when the Deepwater Horizon caught fire. Oil and gas rushed into the Gulf of Mexico for 87 days before the well was finally plugged. The scope of the disaster was tremendous.

Oil slicks spread across the Gulf of Mexico, pelicans and other wildlife struggled to free themselves from crude oil, tar balls spoiled the pristine white sand beaches of Florida, wetlands were coated with toxic sludge, more than ⅓ of Federal waters in the Gulf were closed to fishing, and oyster beds could take years to recover, the plumes of underwater oil may have created zones of toxicity or low oxygen for aquatic life, and the response techniques, such as the use of dispersants, may have their own toxic consequences to both wildlife and the spill response workers.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that this is not an area in which we should be subsidizing development.

Things have not improved much since the oil spill in 1969 off the California Coast near Santa Barbara. Like the Deepwater Horizon disaster, the Santa Barbara spill was caused by a natural gas blowout when pressure in the drill hole fluctuated. It was successfully plugged with mud and cement after 11 and a half days, but oil and gas continued to seep for months. The Santa Barbara spill was devastating, but it was a tiny fraction of the size of the Deepwater Horizon spill.

Technology 40 years ago was not good enough to prevent a disaster. We discovered last summer that today's technology is no better at preventing well-head blowouts.

The Deepwater Horizon drill rig was less than 10 years old when it exploded. A similar accident that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia's history—was even newer, designed and built in 2007. That spill continued unchecked for 74 days.

The failures that led to these catastrophes were human and technological. While measures are being put in place to remedy these deficiencies, the risks remain high and the potential damage immense. In deep waters, the risks are higher and the scope of the damage even greater.

Drilling in deep waters is not the type of activity that tax-payer dollars should subsidize.

Drilling in deep water presents even more challenges than drilling in shallow water or on shore. This was demonstrated during the Deepwater Horizon disaster.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood of these crystals forming increases dramatically at a depth of about 400 meters.

These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, which failed to stop the oil in the early days of the spill. And when a remotely operated underwater vehicle bumped the valves in the ''top hat'' device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

In order to drill at deeper depths, many technical difficulties must be overcome.

The ocean currents on the surface and in the water column exert torque pressure on the pipes and cables, which are longer and heavier.

The water temperature decreases closer to the sea floor, but the earth's core temperature increases the deeper the well—sometimes reaching temperatures in excess of 350 degrees Fahrenheit.

The ocean pressure increases dramatically at depth, but the pressure in a well can exceed 10,000 pounds per square inch.

Drills must be able to pass through tar and salts, and the well bores must remain intact.

The volume of drilling mud and fluids is greater, the weight of the cables heavier, and many technical procedures can only be accomplished with the use of remotely operated vehicles thousands of feet below the surface.

American taxpayers should not forego revenue in order to incentivize offshore drilling. It is not good environmental policy, and it's not good energy policy either.

We need to move to cleaner renewable fuels.

I believe that global warming is the biggest environmental crisis we face—and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels like oil and coal.

Taxpayer funded incentives should not finance production of fossil fuels—particularly in places where the production itself poses potential devastation. Instead, incentives should be used to develop and deploy clean energy technologies like wind and solar.

I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency and incentivize the use of renewable energy.

One of our biggest victories was the enactment of the aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was passed by Congress and signed into law by then-President Bush in the 110th Congress. This law, which I authored with Senator SNOWE, will improve fuel economy standards for passenger vehicles at the maximum feasible rate.

The good news is that the Administration has taken the framework of this law and implemented aggressive standards that require raising fleetwide fuel economy to 35.5 mpg in 2016—a 40 percent increase above today's standard.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years. In 2009, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, oil, and coal combined. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

It is clear that the clean energy sector is the next frontier in jobs creation.

We need to ensure that developers can access financing to launch wind, solar and geothermal projects, so that they can put people to work. Programs like Treasury Grant Program have been very successful in encouraging private investment in this sector. So far, the program has helped to bring more than 1,880 renewable energy projects online.

The program, however, is set to expire at the end of this year if we don't act. I'm working on legislation that will extend and expand this successful program.

All told, these types of measures are helping to foster the incentives that will push the United States to adopt a cleaner energy future, and to move away from fossil fuels.

Let me make one final point very clear: I don't believe oil companies need taxpayer dollars to help them out. They are already reaping record profits.

In 2009, the top 10 U.S. oil companies' combined revenues were almost $850 billion. And while all results are not yet in on 2010, it is clear that oil companies did even better last year.

Exxon Mobil reported $30 billion in profit, up 57 percent from 2009.

Shell reported $19 billion in profit, up 90 percent from 2009.

Conoco Phillips raked in $11.4 billion in profit during 2010, a whopping 159 percent increase over its 2009 profits.

Yet we continue to use taxpayer dollars to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should also benefit.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely.

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. 338

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 ''Deepwater Drilling Royalty Relief Prohibition Act''.

SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

''(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf.''.

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 339. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act.

In the last few months, our nation has engaged in a discourse about responsibility. No one can deny that our job is to promote the protection of American interests and investment in our future. I am introducing this bill today, because we have a responsibility to protect one of our country's most precious resources: our land.

When I visit with ranchers and farmers across my home state of Montana, it's clear to me they want to preserve open space on their land for their kids and grandkids. Together with Montana farmers and ranchers and the Montana Land Reliance, which is dedicated to protecting agricultural production, we've come up with a commonsense proposal. This is a plan we developed together based on teamwork and our common goal to leave our land in better shape than we found it for future generations.

As we all know, we are losing precious agricultural and ranch lands at a record pace. But our soil is worth more more than just the nutritious foods and natural resources it produces. When we lose our land, we lose the natural habitat of our wildlife and open spaces for our communities. It is our job to protect the land for future generations and to support the farmers, ranchers and other landowners who rely on it to make a living.

Many Montana farmers and ranchers are land rich, but cash poor. These landowners make a modest living off the land and, in this economy, need the right tools to move toward conservation.

That is why Congress provides targeted income tax relief to small farmers and ranchers who wish make a charitable contribution of qualified conservation easements. This allows eligible farmers and ranchers to increase the deduction they can take for charitable contributions of qualified conservation easements. The provision allows farmers and ranchers to do this by increasing the current adjusted gross income limitations from 50 percent to 100 percent and extending the carryover period from five to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year. It is time to make this provision permanent—and that is what our Rural Heritage Conservation Extension Act will do.

Conservation easements sometimes take years to work out. These tax breaks are meant to streamline the process and help those folks who struggle with cash flow but believe in the value of conserving our agricultural lands for future generations.

Conversation easements continue to be an effective land management tool in Montana, and across the country. We currently have over two million acres covered by conservation easements. To some, that may seem like a

large amount, but, in Montana, those easements are only 2.1 percent of the total State land area. Montana has begun to recognize the importance of using conservation easements to preserve our lands. I believe that now is the time for our state, and the entire country to do even more.

It is time to say, ''We believe in the environment. We believe that landowners should be able to afford to choose conservation over development.'' Let us remove the uncertainty and build on the success of what we have already begun to do. Let's pass the Rural Heritage Conservation Extension Act.

By Mr. BAUCUS:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; from the Committee on Finance; placed on the calendar.

Mr. HATCH. Mr. President, today Chairman BAUCUS filed an original bill and an amendment to the Federal Aviation Administration, FAA, bill currently being considered by the Senate. Both of these items are identical. They reflect the revenue title to the FAA bill that was reported by the Finance Committee last Tuesday. I am hopeful that this heralds the passage of long-term FAA reauthorization and represents a break with our ongoing pattern of funding the FAA with short-term extensions of current law.

In most respects the Finance Committee product reflects the FAA bill that was passed unanimously last year with 93 votes. However, there is a very important difference. Thanks to an amendment filed by Senator COBURN, who is a new member of the Finance Committee, only 90 percent of forecasted revenues to the Airport and Airway Trust Fund for a given year will be spent. Over the past several years the uncommitted cash balance remaining in the trust fund has steadily decreased because actual revenues have fallen short of forecast revenues. Since recipients of trust fund revenues expect to be paid in real dollars and not forecasted dollars, it makes sense to make sure the trust fund contains actual dollars. By allowing only 90 percent of forecast trust fund revenues to be spent, we are putting in place a 10 percent cushion to guard against the frequent occurrence that actual trust fund revenues will fall short of projected revenues.

The Finance Committee product also increases the amount general aviation and fractional aircraft will pay for each gallon of jet fuel they use. These increases will impact neither commercial airlines nor passengers of commercial airlines. The cost of fuel for commercial aviation is not changed at all by the Finance Committee product. What makes the increases of the costs borne by the general aviation and fractional communities unique is that both groups are active supporters of these increases. As these letters explain, the increases in the cost of jet fuel are supported because the proceeds will help our airport and airway system transition to the Next Generation Air Transportation System, or NextGen. NextGen is the satellite-based air traffic control system that is slated to replace our current radar-based system. The transition to NextGen is expected to reduce inefficiencies within and enhance the benefits of our airport and airway system.

In closing, I want to thank Chairman BAUCUS and the other Members of the Finance Committee for their work on the revenue title to the FAA bill, and I hope for the rapid completion of FAA reauthorization.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL AVIATION MANUFACTURERS ASSOCIATION,
Washington, DC, January 31, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR HATCH: On behalf of the seventy members of the General Aviation Manufacturers Association (GAMA), I am writing in strong support of the tax title to the ''FAA Air Transportation Modernization and Safety Improvement Act'' which will be considered by the Senate this week.

As you know, this legislation is identical to the FAA reauthorization bill that passed in the Senate last year. The tax title of the bill, which was drafted by the Finance Committee, includes an increase in the excise tax on jet-fuel used in general aviation operations. The funding raised by this fuel tax increase will be placed in an account within the Airport and Airway Trust Fund to help fund air traffic control modernization programs.

In previous Congresses, our members have supported the fuel tax increase included in the bill because we strongly support modernization and are willing to pay more to help complete it. We believe that the Finance Committee has examined this issue thoroughly and that its actions will help move the bill quickly through Congress and put us on the right path towards modernization.

In conclusion, we support the tax title to the FAA reauthorization bill and thank the committee for being receptive to our views during this process. We look forward to working with you as the bill proceeds through Congress.

Sincerely,

PETER J. BUNCE,
President & CEO.

NATIONAL AIR TRANSPORTATION ASSOCIATION,
Alexandria, VA, February 3, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On behalf of NATA, I write in support of the tax title to S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, which would increase the tax on general aviation jet fuel. A reasonable tax increase allows general aviation operators to provide more revenue to the Airport and Airways Trust Fund (trust fund). General aviation fuels have not had a substantial tax increase in over 15 years and, despite the recent downturn in the economy, we believe the current system of aviation excise taxes has proven to be a stable and efficient source of revenue for the trust fund as opposed to another funding mechanism that has been proposed in the past few years.

As you know, passage of Federal Aviation Administration reauthorization legislation will provide much needed funding for the trust funds while ensuring that our national airspace system remains safe and efficient and creating and maintaining valuable jobs in the United States. Investments to our aviation infrastructure will allow the modernization of the Next Generation Air Transportation System to expand as efficiently as possible.

We support a tax increase on general aviation fuels to finance the trust fund in a manner that has proven successful since its creation. Thank you for your attention to this important matter.

Sincerely,

JAMES K. COYNE,
President.

AIRCRAFT OWNERS AND PILOTS ASSOCIATION,
Washington, DC, February 4, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: In anticipation of Senate action on S. 223, legislation to reauthorize the Federal Aviation Administration (FAA), I am writing to reiterate our support for the previously agreed to tax increases in general aviation fuel taxes.

The stability and certainty that an FAA reauthorization bill provides is vital for federal investments in safety, modernizing the air traffic control system, FAA operations, airport improvements and aviation research efforts.

AOPA has consistently supported using the time-tested system of passenger transportation and aviation fuel taxes in combination with general fund tax revenues to support the FAA and the aviation system. We have consistently supported a 25 percent increase in aviation gasoline and a 65 percent tax increase on non-commercial jet fuel in lieu of user fees to generate additional revenue to the Aviation Trust Fund for air traffic control modernization.

Even though economic times are extremely difficult, AOPA members continue to support the agreed-to increases in general aviation fuel taxes and we support the inclusion of this funding mechanism in the Senate FAA Reauthorization Bill.

Thank you for your consideration of our views. We look forward to working with you to complete the FAA Reauthorization Bill.

Sincerely,

CRAIG L. FULLER,
President and CEO.

NATIONAL BUSINESS AVIATION ASSOCIATIONS,
February 4, 2011.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: The National Business Aviation Association (NBAA) strongly supports passage of legislation to reauthorize the Federal Aviation Administration, and urges the U.S. Senate to expeditiously approve this critical legislation.

Aviation, including business aviation, is a vital link in our transportation system and powerful engine for job creation and economic growth. Ensuring that the United States has the largest, safest, and most efficient air transportation system is clearly in our country's interest and should be a national imperative.

NBAA represents approximately 8,000 companies that rely on general aviation aircraft to help them survive and compete in the marketplace. Eighty-five percent of our members are small and mid-size businesses, many of whom operate to and from small towns and rural communities with little or no commercial airline service.

This legislation will greatly facilitate and accelerate the transformation of our air traffic control system to the Next Generation Air Traffic Control System—NextGen. As you know, NextGen will increase the capacity and enhance the safety of our air traffic control system. It will also reduce aviation's environmental impact.

The legislation will provide much needed long-term direction and stability to the Federal Aviation Administration. The bill will enable the agency to do the critical long-range planning, and make the long-range investments in airport infrastructure and technology that are needed to modernize and expand the system. The time to enact a strong multi-year reauthorization bill is now.

The reauthorization bill helps fund the transformation to NextGen in part through an increase in the general aviation fuel tax. While no industry wants to pay additional taxes, particularly during these very challenging times, NBAA supports the fuel tax increase contained in this bill because we believe that the rapid transformation to NextGen is critically important to the vitality of the U.S. aviation system.

We urge the Senate to expedite consideration of the FAA reauthorization bill. It is important that we finalize this legislation that will undoubtedly enhance safety, reduce emissions, expand the system and ensure that the U.S. will continue to lead the world in aviation technology.

Sincerely,

ED BOLEN.

NETJETS
Columbus, OH, February 7, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: As a leading fractional ownership program management company here in the United States, I write today in support of language included within S. 223, the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act, that provides for a minor change in the tax code to ensure that operations of aircraft in fractional ownership programs are taxed as general aviation.

The FAA has determined that fractionally-owned aircraft operations are in fact private. However, the Internal Revenue Service continues to tax the operations of such aircraft as if they are commercial. The IRS made this tax determination when the concept of fractional ownership was very new, and before the FAA had completed its analysis and issued regulations that classify fractionally-owned aircraft as non-commercial general aviation.

To remedy this situation, we request your support for language contained within S. 223 to also be included within the House FAA reauthorization bill. Specifically, Section 805 of S. 223, entitled, ''Treatment of Fractional Ownership Operations,'' would ensure that all fractionally-owned aircraft operations are taxed as non-commercial general aviation.

We strongly support Section 805 of S. 223 and request your assistance to secure this language within the House FAA Reauthorization bill. Thank you for your attention to this important issue.

Sincerely,

JORDAN B. HANSELL
President.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 342. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing programs of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I join the Ranking Member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in reintroducing The Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Marshall Islands, the Honorable Jurelang Zedkaia.

This legislation tracks S. 1756, a bill that was introduced in the 110th Congress at the request of then-President of the Republic of the Marshall Islands, Kessai Note, and that was ordered reported from the Committee on Energy and Natural Resources, on September 11, 2008. The bill was reintroduced in the 111th Congress as S. 2941 at the request of President Zedkaia, and it was again reported from the Committee, on August 5, 2010. Unfortunately, there was insufficient time before adjournment for floor consideration and to identify an offset for the bill's CBO-estimated cost of $58 million. It is my hope that the 112th Congress will move promptly to consider this bill, find any necessary offset, and enact this legislation as a part of our Nation's continuing engagement with the Marshall Islands to address the damage and injuries that resulted from the nuclear weapons testing program.

The need for consideration of this bill is clear—to monitor and, as appropriate, update our Nation's continuing response to the consequences of the nuclear weapons testing program conducted in the Marshall Islands in the 1940s and 50s.

For a period of 12 years, the United States detonated nuclear bombs in the Northern Marshall Islands that caused substantial damage and injury. In 1986, with the negotiation of the compact of Free Association between the United States and the Republic of the Marshall Islands and its approval by Public Law 99–239, the United States ''accept[ed] the responsibility for compensation owing to citizens of the Marshall Islands . . . for loss or damage to property and person of the citizens of the Marshall Islands . . . resulting from the testing program. . .''. The compact and other U.S. laws established programs designed and intended to provide compensation and to respond to the consequences of the nuclear tests.

First, Section 177 of the compact provided a $150 million grant to the Marshall Islands for the settlement of all claims arising from the nuclear testing program through the establishment of the Nuclear Claims Tribunal, including $2 million annually for the so-called ''Four Atoll Health Care Program'' to provide supplemental health care services to those communities most affected by the tests and funding for a nationwide radiological survey. The subsidiary agreement implementing Section 177 further provided that the Marshall Islands could seek additional funds from Congress through a so-called ''changed circumstances'' petition, if ''injuries render the provisions of this Agreement manifestly inadequate.'' Finally, Section 105(c) of the law approving the compact authorized additional appropriations for ''health and education as a result of exceptional circumstances,'' and authorized ex gratia contributions for the affected populations of the northern atolls of Bikini, Enewetak, Rongelap, and Utrik.

Second, in response to the nuclear tests, Congress funded the Department of Energy's Marshall Islands Program to continually monitor residual radiation in the environment, research strategies for mitigating radiation effects, and to support mitigation and resettlement efforts. This DOE program also monitors and provides health care to members of the Rongelap and Utrik communities who were seriously exposed to radiation fallout from the ''Castle Bravo'' test which took place in 1954 and contaminated the inhabited islands downwind.

Third, in 2001, Congress enacted the Energy Employees Occupational Illness Compensation Program, EEOICPA, to provide compensation for DOE and DOE-contractor employees who were associated with the Nation's nuclear weapons program. The legislative history for the program indicates that workers hired from the local population at the Marshall Islands Test Site were intended to be covered. However, islanders who applied for compensation from EEOICPA had their claims denied because they were not U.S. citizens.

The purpose of this legislation is to make appropriate amendments to programs and activities to meet our continuing responsibility to address the consequences of the nuclear testing program. Accordingly, this bill would expand the scope of these existing programs: the Four Atoll Health Care Program; the DOE Marshall Islands Program; and the U.S. Department of Labor's Energy Employees Occupational Illness Compensation Program. The bill would also provide for an assessment and report by the National Academy of Sciences on the health impacts of the nuclear testing program in the Marshall Islands.

However, there is recent information regarding the health impacts of the testing program which may meet the objectives of this section. Last year, the August issue of Health Physics published a series of peer-reviewed papers on the radiation doses and cancer risks in the Marshall Islands from U.S. nuclear weapons tests. These papers grew out of a request from the Committee on Energy and Natural Resources to the National Cancer Institute for their expert opinion of the health effects of the testing program. I anticipate a presentation of the conclusion of these papers when a hearing is held on this bill.

For more information on this legislation, I recommend review of previous Committee hearings, S. Hrg. 109–178 and S. Hrg. 110–243, and last year's Committee report on S. 2941, S. Rpt 111–268. I look forward to continue working with President Zedkaia, the RMI Ambassador to the United States, Banny Debrum, officials at the U.S. Departments of State, Energy, and the Interior, and my colleagues on the Committee in considering this legislation as a part of our continuing response to this tragic legacy of the nuclear testing program in the Pacific.

Mr. President, I ask unanimous consent that the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 342

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 ''Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2011''.

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(B) CONTINUED MONITORING ON RUNIT ISLAND.—

''(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2008, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

''(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

''(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

''(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

''(I) a description of—

''(aa) the results of each visual survey conducted under clause (i)(I); and

''(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

''(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

''(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause(i)(II).''.

SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841) is amended by adding at the end the following:

''(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen or national of the Republic of the Marshall Islands or the Federated States of Micronesia who is otherwise covered by that paragraph.''.

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: '', including a citizen or national of the Republic of the Marshall Islands or the Federated States of Micronesia who is otherwise covered by this paragraph''.

(c) OFFSET OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle C of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385 et seq.) is amended by inserting after section 3653 (42 U.S.C. 7385j–2) the following:

''SEC. 3654. OFFSET OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

''An individual who has been awarded compensation under this title, and who has also received compensation benefits under the Compact of Free Association between the United States and the Republic of the Marshall Islands (48 U.S.C. 1681 et seq.) (referred to in this section as the 'Compact of Free Association'), by reason of the same illness, shall receive the compensation awarded under this title reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association.''.

SEC. 4. SUPPLEMENTAL HEALTH CARE GRANT.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

''(4) SUPPLEMENTAL HEALTH CARE GRANT.—

''(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.-RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall provide to the Republic of the Marshall Islands an annual supplemental health care grant in the amount made available under subparagraph (D)—

''(i)(I) to provide enhanced primary health care, with an emphasis on providing regular screenings for radiogenic illnesses by upgrading existing services or by providing quarterly medical field team visits, as appropriate, in each of Enewetak, Bikini, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, Wotje, and Ujelang Atolls, which were affected by the nuclear testing program of the United States; and

''(II) to enhance the capabilities of the Marshall Islands to provide secondary treatment for radiogenic illness; and

''(ii) to construct and operate a whole-body counting facility on Utrik Atoll.

''(B) CONDITIONS ON HEALTH CARE GRANTS.—To ensure the effective use of grants funds under clause (i) of subparagraph (A), the Secretary of the Interior, after consultation with the Republic of the Marshall Islands, may establish additional conditions on the provision of grants under that clause.

''(C) MEMORANDUM OF AGREEMENT.—To meet the objectives of clause (ii) of subparagraph (A), the Secretary of the Interior, the Secretary of Energy, and the Government of the Republic of the Marshall Islands shall enter into a memorandum of agreement setting forth the terms, conditions, and respective responsibilities of the parties to the memorandum of agreement in carrying out that clause.

''(D) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph $4,500,000 for each of fiscal years 2009 through 2023, as adjusted for inflation in accordance with section 218 of the U.S.–RMI Compact, to remain available until expended.''.

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of

the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

REPUBLIC OF THE MARSHALL ISLANDS,
January 10, 2011.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I write to you on behalf of the Marshallese people to renew our mutual efforts to address the continuing consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

First, I would also like to take this opportunity to thank you for your efforts in twice introducing Republic of the Marshall Islands Supplemental Nuclear Compensation legislation in both 2007 and 2010. I would also like to take this opportunity to thank the Committee for approving S. 2941 last year subsequent to a hearing held on May 19, 2010.

Your understanding and efforts over the past several years to move these difficult issues forward and address them in a substantive and meaningful manner is most appreciated by my Government and the Marshallese people. In this respect, I strongly believe that the substituted version of S. 2941 as approved by your Committee constituted real and substantive progress in addressing outstanding nuclear related issues.

Understanding that S. 2941 expired without further action at the close of 2010, I would once again respectfully request that legislation be introduced in the United States Senate to deal with the enduring consequences of the nuclear testing program in the Marshall Islands.

My Government submitted a Petition to the United States Congress in respect to Article IX of the Section 177 Agreement concerning ''Changed Circumstances'' in September, 2000. While my Government believes that we have firmly established that ''changed circumstances'' exist within the meaning of Article IX, we wish to focus our efforts on coming to a resolution and implementing measures that produce results in addressing the health, safety and damages caused by the nuclear testing program.

Senate Bill No. 2941, as approved by the Committee, represented a serious and substantive effort to deal with the consequences of the nuclear testing program since the Section 177 Agreement went into effect almost 25 years ago.

Accordingly, I would like to review some specific measures for inclusion in the legislation, which I believe will address outstanding concerns and issues.

The provisions contained in Section 4 of the substituted version of S. 1756 and S. 2941 approved by the Committee in 2010 that provided the sum of $4.5 million annually plus adjustment for inflation as a continuing appropriation through FY 2023 to address radiogenic illnesses and the nuclear related health care needs of Bikini, Enewetak, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, and Wotje, is acceptable to my Government.

We support the addition of persons who were citizens of the Trust Territory of the Pacific Islands for inclusion for eligibility in the Energy Employees Occupational Illness Compensation Program Act of 2000. There are many Marshallese who worked at Department of Energy sites in the RMI in the same manner as their U.S. citizen co-workers, yet have never received the health care and other benefits of this program.

We also support provision in the legislation for the pro-active and ongoing monitoring of the integrity of the Runit Dome at Enewetak Atoll. This is an issue that has long been of concern to the people of Enewetak who live, fish and harvest food in the immediate area.

Any legislation addressing the consequences of the nuclear testing program would not be complete without consideration of the awards made by the Marshall Islands Nuclear Claims Tribunal. Absent from S. 1756 or S. 2941 was any reference to the decisions and awards made by the Tribunal. The administrative and adjudicative processes of the Tribunal over the past 20 years are an important mutually agreed-to component of the Section 177 Agreement and its implementation to resolve claims for damage to person and property arising as a result of the nuclear testing program. We cannot simply ignore the Tribunal's work and awards that it has made. The RMI has presented a Report on this subject prepared by former United States Attorney General Richard Thornburgh in January 2003; however, issues and concerns apparently continue. We should move forward and resolve any remaining issues and concerns regarding the Tribunal and its work.

We look forward to working with you and your staff to address the issues I have raised in this letter and to move forward on finally addressing the consequences of the nuclear testing program. We remain hopeful as the 112th U.S. Congress begins, this important legislation can be enacted into law to provide badly needed help and assistance to the Marshallese people who have suffered so much.

Finally, I would like to wish you and your staff a Happy and Healthy New Year and, once again, thank you for all of your help.

Sincerely,

JURELANG ZEDKAIA,
President.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 343. A bill to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau. Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join with my colleague and the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in introducing legislation to strengthen the relationship between the United States and the Republic of Palau—one of our closest and most reliable allies. This legislation, if enacted, would implement the recommendations of the 15-year review called for under the Compact of Free Association between our two nations.

Palau is one of the world's smallest nations, located in the western Pacific about 800 miles south of Guam and 500 miles east of the Philippines. It has a total land area of 177 square miles with a population of about 21,000. The close ties between the U.S. and Palau date from World War II, when Japanese forces were defeated in the Battle of Peleliu. In 1947, the islands became a District in the United Nations Trust Territory of the Pacific Islands. The United States was appointed Administrating Authority of the Trust Territory with the responsibility to promote economic and political development. Because of the United States' strategic interest in this region, the Trust Territory was established as the only U.N. ''Strategic'' Trust under the authority of the U.N. Security Council, as opposed to the U.N. General Assembly.

In the 1970s, talks on future political status were undertaken with the United States. The Northern Mariana Islands voted to become a U.S. territory, and the districts of Palau and the Marshall Islands chose to separate from the remaining Trust Territory districts. In 1982, Palau signed a 50-year Compact of Free Association that was approved by the U.S. in 1986, P.L. 99–658. The Compact went into effect on October 1, 1994, and the U.N. Trusteeship was subsequently terminated, making Palau a sovereign, self-governing state in free association with the United States. The U.S. entered into similar Compacts of Free Association with the Marshall Islands and the remaining districts of the Trust Territory, now known as the Federated States of Micronesia, in 1986, P.L. 99–239.

The U.S.-Palau Compact consists of four parts:

Title One, ''Government Relations,'' provides for government-to-government relations including the privilege for Palau citizens to enter the U.S. to work and reside as non-immigrants, and for U.S. citizens to do the same in Palau.

Title Two, ''Economic Relations,'' provided for a total of $560 million in U.S. assistance from fiscal year 1995–2009, including operational support of about $13 million annually, $149 million for road construction, and $70 million for capitalization of a Trust Fund to provide funds after the end of direct U.S. financial assistance.

Title Three, ''Security and Defense Relations,'' closed Palauan territory to the military forces of any nation except the U.S., so-called ''Strategic Denial,'' and provides that the U.S. may establish defense sites, although none exist at this time or are planned.

Title Four, ''General Provisions,'' among other things, Section 432 requires that there be a formal bilateral review of the relationship on the 15th, 30th and 40th anniversaries of the compact's entry into force, and that both parties commit themselves to take specific actions based on the conclusions of the review.

The U.S. and Palau completed this formal 15th anniversary review and, on September 10, 2010, signed an agreement setting forth amendments to the compact based on the conclusions and recommendation of the review. The bill being introduced today would approve this agreement and its appendices and incorporate them into the law which originally established the compact.

First, the legislation would extend financial assistance for another 14-year

term, until 2024, for operations, construction, maintenance and trust fund contributions totaling $229 million, or an average of $16.4 million annually. This is a substantial reduction from the average of $37.3 million annually that was provided in the first 15-year term. Second, the legislation significantly enhances accountability of U.S. financial assistance by requiring Palau to undertake financial and management reforms, and the U.S. is authorized to withhold funds if the U.S. determines that Palau ''has not made significant progress in implementing meaningful reforms.'' Third, the bill would require any Palauan entering the U.S. to have a Palau passport. This would be the same requirement that was imposed on citizens of Micronesia and the Marshall Islands when their compacts were reviewed and amended in 2003.

I believe this Agreement and legislation reaffirm and strengthen the special ties between the U.S. and Palau. Together we will continue our commitment to regional security. The United States will continue to be responsible for the security and defense of Palau, and the U.S. is honored to have the continued service of the men and women of Palau in the U.S. armed services. Strategic denial and the associated base rights provided for under the compact were originally designed to counter the Cold War threat in the Pacific. While the Cold War has ended, the U.S. will continue to face new challenges in the region.

Another indicator of the close relationship between the U.S. and Palau is evidenced by comparing votes in the United Nations. Palau and the U.S. vote together consistently. The most recent issue of the State Department's report, ''Voting Practices in the United Nations 2009,'' shows that Palau's voting coincidence with the United States in 2009 on 12 important issues was 100 percent. This is the highest voting coincidence of any country and indicates that Palau is a trusted and reliable ally at the U.N.

In 2003, the U.S. determined that a number of Chinese Uighurs who had been arrested in the war on terrorism and were sent to Guantanamo were not terrorists. The Bush Administration sought new homes for them, knowing that they would likely be persecuted if they were returned to China. Plans to send them to a Uighur community in Virginia were dropped because of Congressional opposition. Nearly every nation in the world was asked to assist in their resettlement, but Palau was the first to agree. Six Uighurs were resettled there. Palau has taken more detainees from Guantanamo than any other nation except Albania not counting those who were repatriated to their home countries.

It is important to note that this legislation is time-sensitive. The first 15-year term of compact financial assistance ended with fiscal year 2009. Fiscal Year 2010 funding for Palau was provided through enactment of a 1-year extension in the fiscal year 2010 Omnibus Appropriations bill, and the first few months of fiscal year 2011 funding is made available by the recent continuing resolutions. It is important that the next CR include continued financial support for Palau through the end of this fiscal year, to allow time for Congress to consider and pass this legislation. I understand that the administration's fiscal year 2012 budget will assume enactment of the bill before October 1, leaving the Congress a relatively short period of time to do its work.

I look forward to working with Ranking Member MURKOWSKI and our colleagues on the Committee in moving this bill promptly. I anticipate reaching out to our colleagues on the Foreign Relations and Armed Services Committees because of the important role Palau plays in U.S. foreign and defense policy. Finally, I look forward to working with officials in the administration and in Palau who conducted the compact Review and concluded this important Agreement. I urge my colleagues to join with me and Senator MURKOWSKI in approving this agreement and assuring the continued strength of this historic partnership.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Title I of PL 99-658 is hereby amended by inserting a new section 105 as follows:

''SEC. 105. RESULTS OF COMPACT REVIEW.

''(a) The Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review set forth in subsection (b) of this section, is hereby approved.

''(b)

''AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF PALAU FOLLOWING THE COMPACT OF FREE ASSOCIATION SECTION 432 REVIEW

''In recognition of the ties that were developed between the United States of America and Palau during World War Two, and the subsequent half century of United States administration of Palau and the continuing close relationship between the Governments of the United States and Palau under the Compact of Free Association ('Compact'), following the fifteenth anniversary review of the relationship conducted pursuant to Section 432 of the Compact (which provides: 'Upon the fifteenth and thirtieth and fortieth anniversaries of the effective date of this Compact, the Government of the United States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the overall nature and development of their relationship. In these formal reviews, the governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings of conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement, the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact'), and in light of the desire of the United States of America and the Republic of Palau to deepen their relationship, now, therefore, the Government of the United States of America and the Government of the Republic of Palau agree as follows:

''1. Compact Section 211(f) Fund

''The Government of the United States of America (the 'Government of the United States') shall contribute $30.25 million to the Fund referred to in Section 211(f) of the Compact in accordance with the following schedule: $3 million annually for ten years beginning with Fiscal Year 2013 through Fiscal Year 2022, and $250,000 in Fiscal Year 2023.

''2. Infrastructure Maintenance Fund

''(a) The Government of the United States shall provide a grant of $2 million annually from the beginning of Fiscal Year 2011 through Fiscal Year 2024 to create a trust fund (the 'Infrastructure Maintenance Fund') to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau (the 'Government of Palau') will match the contributions made by the United States by making contributions of $150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of Fiscal Year 2011 through Fiscal Year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement.

''(b) The $3 million owed to the Government of the United States under paragraph 3(d) of Article V of the Agreement Concerning Special Programs Related to the Entry Into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau (the Guam Accords) done at Guam, May 26, 1989, plus accumulated interest, shall be paid into the Infrastructure Maintenance Fund. The $3 million shall remain in the Infrastructure Maintenance Fund and not be expended for any purpose. All past and future income generated by the $3 million shall be used exclusively for the routine maintenance of the Compact Road provided by the United States under Section 212 of the Compact.

''3. Fiscal Consolidation Fund

''The Government of the United States shall provide the Government of Palau $5 million in Fiscal Year 2011 and $5 million in Fiscal Year 2012 for deposit in an interest bearing account to be used to reduce government payment arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement.

''4. Direct Economic Assistance

''(a) In addition to the $13.25 million in economic assistance provided to the Government of Palau by the Government of the United States in Fiscal Year 2010, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the

Government of Palau $107.5 million in economic assistance as follows: $13 million in Fiscal Year 2011; $12.75 million in Fiscal Year 2012; $12.5 million in Fiscal Year 2013; $12 million in Fiscal Year 2014; $11.5 million in Fiscal Year 2015; $10 million in Fiscal Year 2016; $8.5 million in Fiscal Year 2017; $7.25 million in Fiscal Year 2018; $6 million in Fiscal Year 2019; $5 million in Fiscal Year 2020; $4 million in Fiscal Year 2021; $3 million in Fiscal Year 2022; and $2 million in Fiscal Year 2023. The funds provided in any fiscal year under this subsection shall be provided in four (4) quarterly payments (30 percent) in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.

''(b) Notwithstanding the provisions of Compact section 211(f) and the Agreement Between the Government of the United States and the Government of Palau Regarding Economic Assistance Concluded Pursuant to Section 211(f) of the Compact of Free Association, with respect to Fiscal Years 2011 through Fiscal Year 2023 and except as otherwise agreed by the Government of the United States and the Government of Palau, the Government of Palau agrees not to exceed the following distributions from the Section 211(f) Fund: $5 million annually beginning in Fiscal Year 2011 through Fiscal Year 2013; $5.25 million in Fiscal Year 2014; $5.5 million in Fiscal Year 2015; $6.75 million in Fiscal Year 2016; $8 million in Fiscal Year 2017; $9 million in Fiscal Year 2018; $10 million in Fiscal Year 2019; $10.5 million in Fiscal Year 2020; $11 million in Fiscal Year 2021; $12 million in Fiscal Year 2022; and $13 million in Fiscal Year 2023.

''(c) No portion of the funds provided to the Government of Palau under this section, including the funds distributed from the Section 211(f) Fund, shall be used, directly or indirectly, to fund state block grants, or the activities of the Office of the President of Palau, of the Olbiil Era Kelulau (the Palau National Congress), or of the Palau Judiciary. Annually, $15 million of the funds provided to the Government of Palau under this section, including the funds distributed from the Section 211(f) Fund, shall be used exclusively for purposes related to education, health, and the administration of justice and public safety, recognizing that these funds are subject to the provisions of subsection 4(h) herein.

''(d) In order to increase the long term economic stability of Palau and to maximize the benefits of the economic assistance provided by the Government of the United States, the Government of Palau shall undertake economic, legislative, financial, and management reforms, and shall give due consideration to reforms such as those described in the International Monetary Fund's (IMF) Country Report No. 08/162, Republic of Palau: Selected Issues and Statistical Appendix, (May 2008), and the Asian Development Bank's (ADB) Strategy and Program Assessment, Palau: Policies for Sustainable Growth, A Private Sector Assessment (July 2007) and any other similar subsequent and future reports and recommendations issued by the IMF, the ADB, and other credible institutions, organizations or professional firms. To the extent that anticipated fiscal and economic reforms require substantial financial resources to design, implement, or mitigate negative impacts, the Government of Palau may propose and the two governments may agree to the use of additional funds from the Section 211(f) Fund, provided that the two governments agree in writing that the additional withdrawals from the Section 211(f) Fund will not impair the ability of the fund to provide $15 million annually from Fiscal Year 2024 through Fiscal Year 2044, and that the proposed reforms are a necessary and prudent use of the funds. Government to government communications shall be through diplomatic channels.

''(e) The Government of the United States and the Government of Palau shall establish, effective on the day this Agreement enters into force, an Advisory Group on Economic Reform (the 'Advisory Group'). The purpose of the Advisory Group is to contribute to the long-term economic sustainability of Palau by recommending economic, financial, and management reforms. The Advisory Group shall be composed of five (5) members, two (2) of whom shall be designated by the President of Palau and two (2) of whom shall be designated by the Government of the United States, the fifth of whom shall be chosen by the Government of the United States from a list of not fewer than three (3) persons not residents of Palau submitted by the President of Palau. In the event the Government of the United States rejects the persons enumerated in the list submitted by the President of Palau, then the fifth member shall be chosen by the President of Palau from a list of not fewer than three (3) persons submitted by the Government of the United States. In making their designations, the President and the Government of the United States shall give consideration to the mix of expertise that would be most beneficial to the work of the Advisory Group. The Advisory Group will be chaired by a member chosen by the members from among their number. Its meetings will be held once a year in Palau and once a year in Hawaii, unless otherwise agreed by the members. Each government shall provide the necessary support for its designated representatives on the Advisory Group. Support for the fifth member shall be borne by the government that recommended the member. Unless otherwise agreed by the two governments the Advisory Group shall terminate at the end of Fiscal Year 2023.

''(f) The Advisory Group shall recommend economic, financial and management reforms and the schedule on which the reforms should be implemented. The Advisory Group shall report annually not less than thirty (30) days prior to the annual bilateral economic consultations to be held on or about June 1 every year on the Government of Palau's progress in implementing reforms recommended by the Advisory Group or other reforms taken by the Government of Palau. The two governments are committed to these annual economic consultations being meaningful, substantive, and comprehensive.

''(g) The Government of Palau's progress in achieving reforms shall be reviewed at the annual bilateral economic consultations. Examples of significant progress in a fiscal year would be, but are not limited to: meaningful improvements in fiscal management, including the elimination and prevention of operating deficits; a meaningful reduction in the national operating budget from the previous fiscal year; a meaningful reduction in the number of government employees from the level the previous fiscal year; a meaningful reduction in the annual amount of the national operating budget dedicated to government salaries from the previous fiscal year; demonstrable reduction of government subsidization of utilities, and meaningful tax reform.

''(h) If the Government of' the United States determines after the annual bilateral economic consultations that the Government of Palau has not made significant progress in implementing meaningful reforms, then, after direct consultation with the President of Palau, the Government of the United States may, after ninety (90) days notice to the Government of Palau, delay payment of economic assistance under this section. The Government of the United States shall determine the amount of the economic assistance to be delayed. Any assistance delayed shall be held and released when the Government of the United States determines that Palau has made sufficient progress on the reforms.

''5. Infrastructure Projects

''The Government of the United States shall provide grants totaling $40 million to the Government of Palau as follows: $8 million annually in Fiscal Years 2011 through Fiscal Year 2013; $6 million in Fiscal Year 2014; and $5 million annually in Fiscal Years 2015 and 2016; towards one or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.

''6. Reporting and Auditing

''Palau shall resolve all deficiencies in the Annual Single Audit such that by 2018 no deficiency or recommendation dates from before Fiscal Year 2016. By the first day of the fourth quarter of each fiscal year or as soon as practicable thereafter, in the annual report it submits under Section 231(b) of the Compact, the Government of Palau shall report on the status and use of all funds provided under this Agreement. The status and use of all funds provided under this Agreement shall also be discussed in the annual bilateral economic consultations. The financial information relating to this funding shall conform to the standards of the Government Accounting Standards Board. All funds provided under this Agreement shall be subject to a financial and compliance audit and other requirements in accordance with the provisions of Appendix D to this Agreement.

''7. Federal Programs and Services

''The Government of the United States shall make available to Palau through Fiscal Year 2024, in accordance with and to the extent provided through amendments to the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association, signed at Palau on January 10, 1986, the services and related programs covered in that agreement as amended herein. The amendments to that agreement constitute Appendix E to this Agreement.

''8. Telecommunication Services

''The Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to Palau Concluded Pursuant to Section 131 of the Compact of Free Association, signed at Koror, Republic of Palau, January 10, 1986 and the Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau Concluded Pursuant to Section 132 of the Compact of Free Association, signed at Koror, Republic of Palau, January 10, 1986 are amended and these amended agreements constitute Appendix F to this Agreement.

''9. Passport Requirement

''Section 141 of Article IV of Title One of the Compact shall be construed and applied as if it read as follows:

'Section 141

'(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a noninimigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(5) or (a)(7)(B)(i)(II), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that

satisfies the internationally accepted standard for machine readability:

'(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of Palau;

'(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

'(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

'Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

'(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for:

'(1) in statutes or regulations of the United States; or

'(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

'(c) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.'.

''10. Effective Date, Amendment, and Duration

''(a) This Agreement, including its Appendices, shall enter into force on the date of the last note of an exchange of diplomatic notes by which the Government of the United States and the Government of Palau inform each other that all internal procedures necessary for its entry into force have been fulfilled.

''(b) This Agreement may be amended at any time by the mutual written consent of the Government of the United States and the Government of Palau.

''(c) This Agreement shall remain in full force and effect until terminated by mutual written consent, or until termination of the Compact, whichever occurs first.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE AT Honolulu, Hawaii, USA, in duplicate, this 3rd day of September 2010, in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:	FOR THE GOVERNMENT OF THE REPUBLIC OF PALAU:
Frankie A. Reed [Title]	Johnson Toribiong [Title]

''APPENDIX A—INFRASTRUCTURE MAINTENANCE FUND

''1. Subject to the terms of this Appendix, the Government of the United States shall provide the grants specified in section 2(a) of the Agreement between the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') to which this document is an appendix.

''2. If, in a given Fiscal Year, the Government of Palau does not make the contributions agreed to in section 2(a) of the Agreement, economic assistance funds to be provided to Palau in the following fiscal year under section 4 of the Agreement will be redirected to the Infrastructure Maintenance Fund to make up the contributions owed by the Government of Palau.

''3. Grant funds from the Government of the United States and Government of Palau contributions to the Infrastructure Maintenance Fund shall be deposited in an account established by the Government of Palau. Fiscal control and accounting procedures shall be sufficient to permit the preparation of required reports and to permit the tracing of funds to a level of expenditure adequate to establish that such funds have been used in compliance with this Appendix.

''4. Palau shall report, at the annual bilateral economic consultations, the sources of its contributions to the Infrastructure Maintenance Fund.

''5. The Infrastructure Maintenance Fund, and any interest accruing thereon, is to be used by the Government of Palau for the maintenance of United States financed capital improvement projects such as the road system (Compact Road) provided by the United States under Section 212 of the Compact and the capital improvements provided by the United States to the Airai International Airport. The Government of Palau may request in writing the use of the Infrastructure Maintenance Fund for maintenance of U.S, financed capital improvement projects other than these two, such as the U.S.-financed capital improvements reflected in the Palau national hospital and schools. The Government of the United States shall give due consideration to any such request and shall endeavor to make a determination within sixty (60) days of receipt of the request. Although the primary purpose of the Infrastructure Maintenance Fund is to provide for routine and periodic maintenance, it may be used, when mutually agreed upon in writing, to mitigate damage and make emergency repairs to capital improvement projects funded by the United States.

''6. The Government of Palau shall identify to the Government of the United States the Government of Palau official and office responsible for maintenance of the infrastructure with Fund monies. The official shall be responsible for activities necessary to plan and implement annual programs of maintenance of the Compact Road and the International Airport at Airai, and all other public infrastructure. The official shall be responsible for keeping each facility as nearly as possible in its original condition as constructed. The official shall develop an annual maintenance plan and related budget for reactive, preventive, repetitive, non-recurrent, and emergency-generated maintenance of the infrastructure specified in paragraph 5 and for all other public infrastructure. The plan will include descriptions and schedules of planned activities and shall identify the related costs. The plan for the infrastructure specified in paragraph 5 shall be submitted to the Government of the United States for its approval no less than sixty (60) days prior to the beginning of each fiscal year.

''7. The Government of the United States will base its approval or disapproval of the plan for the infrastructure specified in paragraph 5 on its consideration of the effectiveness of the plan within the bounds of annual resources. Approval by the Government of the United States will be in the form of an annual grant which incorporates the approved maintenance plan and budget. Acceptance of the grant by the Government of the Republic of Palau will obligate the Government of Palau to the implementation of the annual maintenance plan and budget for the infrastructure specified in paragraph 5.

''8. The grant, annual maintenance plan, and budget for the infrastructure specified in paragraph 5 may be amended by written mutual agreement.

''9. Use of the Fund monies shall be subject to 43 Code of Federal Regulations 12 and all other applicable laws and regulations governing the use of grant funds provided by the Government of the United States. These funds may not be used for any purpose other than that for which they are offered.

''10. Any grant funds remaining unexpended at the end of a fiscal year shall remain in the Infrastructure Maintenance Fund and may be included in subsequent annual maintenance plans and budgets.

''11. Reporting Requirements:

''(a) A Standard Form SF 425 (or successor form) and a narrative project status report shall be submitted quarterly.

''(b) Reports are due within thirty (30) days of the end of each quarter. Final reports are due ninety (90) days after the expiration or termination of the award.

''(c) All required plans and reports must be submitted to the U.S. Department of the Interior Office of Insular Affairs grant manager for the grant.

''APPENDIX B—FISCAL CONSOLIDATION FUND

''1. Subject to the terms of this Appendix, the Government of the United States shall provide the Government of Palau the amounts specified in section 3 of the Agreement of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') to which this document is an appendix. Until disbursed, these funds will be deposited in an interest bearing account and the interest generated shall also be used to reduce Palau's government payment arrears in accordance with the provisions of this Appendix.

''2. The purpose of these funds is to allow the Government of Palau to discharge the level of debts accumulated prior to September 30, 2009. None of the principal or interest accrued on these funds may be disbursed to discharge a debt until the governments agree upon a specific list of debts to be paid with each annual contribution. The funds may not be used to pay off debt owed to another government, to pay an international organization, or to pay off debts which are the subject of current or pending litigation. Unless agreed to in writing by the Government of the United States, the funds may not be used to pay any entity owned or controlled by any member of the government, elected or appointed; to pay any entity owned or controlled by any member of the immediate family of any member of the government; to pay any entity from which a member of the government derives income; or to pay any creditor if the creditor owes money to the Government of Palau unless arrangements are made immediately to offset amounts owed to the Government of

Palau from the funds made available to the creditor. Debts owed to U.S. creditors must receive priority. All debts to be paid with these funds must be properly documented as legitimate debts of the Republic of Palau using generally accepted accounting principles. The total amount of the debt to be paid shall not exceed the general fund deficit established by the Single Audit Report as of September 30, 2009.

''3. The Government of Palau shall report quarterly to the Government of the United States on the use of these funds until they are expended and, until expended, the status and use of these funds shall be a regular agenda item for annual bilateral economic consultations to be held around June 1 of every year. If eligible debts do not amount to $10 million, upon the request of the Government of Palau, the funds remaining after payment of the eligible debts shall be added to the amounts provided for infrastructure projects in section 5 of the Agreement.

''APPENDIX C—INFRASTRUCTURE PROJECTS

''1. Subject to the terms of this Appendix, the Government of the United States shall provide grants towards one or more mutually agreed infrastructure projects as specified in section 5 of the Agreement of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') to which this document is an appendix. These infrastructure grants shall be subject to 43 Code of Federal Regulations 12 and all other applicable laws and regulations governing the use of grant funds provided by the Government of the United States. Grant funds may not be used for any purpose other than that for which they are offered.

''2. Payment of grant funds shall be made as reimbursement of actual or accrued expenditures, using a format provided by the Government of the United States or as mutually agreed.

''3. Prior to requesting reimbursement or payment, the Government of Palau shall, as applicable, provide the following documentation to the Government of the United States:

''(a) Evidence of title, leasehold agreement, or other legal authority for use of the land upon which the capital improvement project(s) is (are) to be constructed.

''(b) A detailed project budget for each infrastructure project. The budget shall include a breakdown of costs (in-house and contract) for planning, engineering and design, real estate, supervision and administration, construction, and construction management and inspection. The Government of Palau and the Government of the United States shall mutually agree to the format of this submission.

''(c) A scope of work that describes the work to be performed and the schedule from planning through completion of construction. A certified professional engineer or architect shall sign both the scope of work and budget for each construction project.

''4. Prior to disbursing funds requested to reimburse for actual project construction, the Government of the United States may review construction plans and specifications, any revised detailed cost estimate, and a detailed construction schedule.

''5. All grant monies shall remain available until expended, unless otherwise provided in this Appendix.

''6. Failure to comply with objectives, terms and conditions, or reporting requirements may result in the suspension of grant payments until the deficiency is corrected.

''7. Reporting Requirements:

''(a) A Standard Form SF 425 (or successor form) and a narrative project status report shall be submitted quarterly.

''(b) Reports are due within thirty (30) days of the end of each quarter. Final reports are due ninety (90) days after the expiration or termination of the award.

''(c) All required documents and reports must be submitted to the U.S. Department of the Interior Office of Insular Affairs grant manager for the grant.

''APPENDIX D—AUDIT STANDARDS AND RESPONSIBILITIES

''1. The Government of Palau shall perform a financial and compliance audit, within the meaning of the Single Audit Act, as amended (31 U.S.C. 7501 et seq.), of the uses of the funding provided pursuant to the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') for each fiscal year during which the Agreement is in effect. The results of these Audits shall be available not later than the beginning of the fourth fiscal quarter following the end of the fiscal year under review, as required by the Single Audit Act. The costs of these audits are to be borne by the Government of Palau, and may be a recognized expense to funds provided under section 4 of the Agreement. If the Government of the Republic of Palau does not endeavor to perform a Single Audit in any given fiscal year, economic assistance funds to be provided to Palau in the following fiscal year under section 4 of the Agreement shall be redirected to pay for the required Single Audit.

''2. In conducting the audits required under this Appendix, the auditors shall take into account relevant laws and regulations of the United States and Palau, including U.S. laws and regulations on the conduct of audits, and Palauan laws and regulations which relate in a material, substantial or direct way to financial statements and operations of the Government of Palau.

''3. The authority of the Government of the United States set forth this Appendix shall continue for at least three (3) years after the last Grant or element of assistance by the Government of the United States under this Agreement has been provided and expended.

''4. Audit officials or agents of the Government of the United States may perform audits on the use of all funding provided pursuant to this Agreement, including grants and other assistance provided to the Government of Palau. The Government of the United States is responsible for all costs attendant to the discharge of this authority.

''5. Audit officials from the Government of the United States are the officials and employees of the Government of the United States who are responsible for the discharge of its audit responsibilities, including those of the Comptroller General of the United States and any Inspector General of an agency of the Government of the United States with programs operating in or otherwise serving the Republic of Palau. While present in the Republic of Palau for the purposes of this Appendix, audit officials from the Government of the United States shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives, and other audit officials from the Government of the United States, shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of Palau.

''6. Audit officials from the Government of the United States shall provide the Government of Palau with advance notice of the specific dates and nature of their visits prior to entering the Republic of Palau and shall show verifiable identification to officials of the Government of Palau when seeking access to records. In the performance of their responsibilities under this Agreement, audit officials from the Government of the United States shall have due regard for the laws of the Republic of Palau and the duties and responsibilities of the officials of the Government of Palau. Officials of the Government of Palau shall cooperate fully to the extent practicable with the United States audit officials to enable the full discharge of their responsibilities.

''7. The Comptroller General of the United States, and officials of the United States Government Accountability Office acting on his or her behalf, shall have coextensive authority with the executive branch of the Government of the United States as provided by this Appendix. The audit officials from the executive branch of the Government of the United States shall avoid duplication between their audit programs and those of the United States Government Accountability Office. The Government of Palau shall cooperate fully to the extent practicable with the Comptroller General of the United States in the conduct of such Audits as the Comptroller General of the United States determines necessary in accordance with this Appendix to enable the full discharge of his responsibilities.

''8. The Government of Palau shall provide audit officials from the Government of the United States with access, without cost and during normal working hours, to all records, documents, working papers, automated data, and files which are relevant to the uses of funding received pursuant to the Agreement by the Government of Palau. To the extent that such information is contained in confidential official documents, the Government of Palau shall undertake to extract information that is not of a confidential nature and make it available to the audit officials from the Government of the United States in the same manner as other relevant information or to provide such information from other sources.

''9. In order to reduce the level of interference in the daily operation of the activities of the Government of Palau, audit officials from the Government of the United States shall, to the extent practicable, inform the Government of Palau of their need for information, including the type of information and its relation to their annual audit schedule. To the extent practicable, the Government of Palau shall make available the information requested by audit officials from the Government of the United States relevant to Audits and available in a manner consistent with generally accepted accounting procedures that allows for the distinction of the Grants, assistance, and payments provided by the Government of the United States from any other funds of the Government of Palau. Such information shall be used and returned as quickly as accurate audit testing and surveying allow.

''10. The Government of Palau shall maintain records, documents, working papers, automated data, files, and other information regarding each such Grant or other assistance for at least three (3) years after such Grant or assistance was provided.

''11. Audit organizations and officials from the Government of the United States, including the Comptroller General of the United States and his duly authorized representatives, shall provide the Government of Palau with at least thirty (30) days to review and comment on draft audit reports prior to the release of the reports. The comments of the Government of Palau shall be included, in full, in the final audit reports. Should a draft audit report be revised based on the comments of the Government of Palau, the Government of Palau shall have an additional period to review and comment on the report prior to its release.''.

(c) The amendments to the Compact subsidiary agreements referenced in sections 7 and 8 of the Agreement set forth in section 105(b) above are hereby consented to (except for the extension of Article X of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association).

(d) There are authorized and appropriated to the Department of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 1, 2(a), 3, 4(a), and 5 of the Agreement set forth in section 105(b) above.

(e) If this section 105 and the Agreement set forth in section 105(b) above become effective during fiscal year 2011, and if between September 30, 2010, and the date the Agreement set forth in section 105(b) becomes effective, the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the U.S.-Palau Compact, amounts payable under sections 1, 2(a), 3, and 4(a) of the Agreement set forth in section 105(b) above, shall be withheld from the Government of Palau until Palau has reimbursed the trust fund for the amount, above $5,000,000, withdrawn.

(f) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs 1, 3, and 4 of section 221(a) of the U.S.-Palau Compact, and their successor Departments, agencies, and instrumentalities, such sums as are necessary to carry out the purposes of those paragraphs, to remain available until expended.

(g) There are authorized to be appropriated to the Department of the Interior $1.5 million annually for 14 years—Fiscal Year 2011 through Fiscal Year 2024—to subsidize United States Postal Service (USPS) postal services provided to Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, to remain available until expended.

(h) Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting ''2024'' for ''2009.''

JANUARY 14, 2011.

Hon. JOSEPH R. BIDEN, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill to amend Title I of Pub. L. No. 99–658, 100 Stat. 3672 (Nov. 14, 1986), regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau. The draft bill would approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the Agreement), and appropriate funds to the Department of the Interior for the purposes of the amended Pub. L. No. 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review. We strongly urge that the draft bill be introduced, referred appropriately, and enacted at the earliest opportunity.

Section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (Compact) provides for the two governments formally to review the Compact upon the fifteenth anniversary of its effective date—October 1, 2009. The two governments concluded this review with the signing of the Agreement on September 3, 2010.

The proposed legislation would amend Pub. L. No. 99–658, the legislation that approved the Compact, to add a section to approve and implement the results of the 15-year review. In particular, the proposed legislation would provide $215.75 million beginning in fiscal year 2011 through fiscal year 2024 to be administered by the Department of the Interior. Over this 14-year period, $30.25 million would supplement the fund already provided in section 211(f) of the Compact; $107.5 million would be in direct economic assistance to assist Palau in transitioning to the level of assistance that will be provided exclusively by the section 211(f) fund after fiscal year 2024; $40 million would be for infrastructure projects; $28 million would be for maintenance of major infrastructure already provided to Palau (the Compact road and improvements to Palau's international airport); and $10 million would enable fiscal consolidation.

Under the Agreement, Palau is to undertake economic, legislative, financial, and management reforms; economic assistance may be withheld in the absence of significant progress in implementing meaningful reforms. In addition to providing economic assistance and requiring reform, the Agreement would require citizens of Palau entering the United States to have a passport.

Direct economic assistance is scheduled to end after the expiration of the Continuing Appropriations Act, 2011 (Pub. L. No. 111–242), which is currently March 4, 2011. To ensure continuity of financial assistance for Palau, we are eager to provide Congress whatever information and assistance is necessary to secure early passage of the proposed legislation.

The Statutory Pay-As-You-Go (PAYGO) Act of 2010 provides that revenue and direct spending legislation cannot, in the aggregate, increase the on-budget deficit. If such legislation increases the on-budget deficit and that increase is not offset by the end of the Congressional session, a sequestration must be ordered. This draft bill would increase mandatory outlays and the on-budget deficit as shown below:

FISCAL YEARS
[$ Millions]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
Deficit Impact	28	28	26	23	22	20	14	12	11	10	194

This proposal would increase direct spending, and it is therefore subject to the Statutory PAYGO Act and should be considered in conjunction with all other proposals that are subject to the Act.

Enactment of the draft bill would protect United States interests and promote the continued mutual well being of our two countries. Palau is one of our nation's closest and most reliable allies. The legislation will support U.S. national security interests in an important part of the western Pacific where U.S. influence is being challenged. The Office of Management and Budget has advised that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

DAVID J. HAYES,
Deputy Secretary of the Interior.

JAMES B. STEINBEG,
Deputy Secretary of State.

By Mr. REID (for himself, Ms. STABENOW, and Mr. TESTER):

S. 344. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, I rise today on behalf of our nation's veterans to once again discuss the unjust and outdated policy of failing to give our veterans their full earned military retirement benefits and veterans disability compensation. Full payment of retirement and disability benefits, known as ''concurrent receipt,'' is an issue that I have ardently supported for more than 10 years now.

In the past, veterans were prevented from receiving the full pay and benefits they had earned. The law required that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received. Many Senators have joined me in fighting this policy and we have made some progress on behalf of our nation's veterans.

In 2003, Congress passed legislation which allowed disabled retired veterans with at least a 50 percent disability rating to become eligible for full concurrent receipt benefits by 2013. Then in 2004, the 10-year phase-in period was eliminated for veterans with 100 percent service-related disability. These are significant victories that put hundreds of thousands of veterans on track to receiving both their retirement and disability benefits, but many more are

still affected by the unjust denial of concurrent receipt.

For me, this is a simple matter of fairness. There is no reason to deny a veteran who has served his country honorably the right to the full value of their retirement pay simply because his service also caused him to become disabled. Unfortunately, that is exactly what the current law does. This legislation will put an end to it.

It is not a partisan issue. Our nation has been at war for almost a decade, and our soldiers have performed with unmatched honor and courage in difficult theatres of war. Our utmost duty as lawmakers should be to ensure that the brave men and women in the United States Armed Forces receive the benefits they have earned.

Today I reintroduce this legislation which will eliminate all restrictions to concurrent receipt. We must take action now, and support our veterans who have given so much to this grateful nation. This is the right thing to do.

I hope my Senate colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough.

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. 344

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 ''Retired Pay Restoration Act of 2011''.

SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 2(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. 4. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 49—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Mr. LUGAR, Mr. COCHRAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. SNOWE, Mr. KERRY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. WICKER, Mr. FRANKEN, Ms. STABENOW, Mr. PRYOR, Mr. WHITEHOUSE, Mrs. BOXER, Mr. CARDIN, Mr. SCHUMER, Mrs. MURRAY, Mr. CASEY, Mr. BEGICH, Mr. BROWN of Ohio, Mr. BENNET, Mr. KIRK, Mr. BLUMENTHAL, Mrs. MCCASKILL, Mrs. HAGAN, Mrs. HUTCHISON, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness'';

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, ''[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal'';

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal judge, stated, ''[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation's complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the Nation's history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 74. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 75. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 223, supra.

SA 76. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 77. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 78. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 79. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 81. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 82. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 83. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BEGICH, Mr. DURBIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 84. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 74. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 7 and 8, insert the following:

SEC. 565. VALIDATION OF PASSENGER BOARDING PASSES.

Section 44901 is amended by adding at the end the following:

''(1) VALIDATION OF BOARDING PASSES.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Transportation Security Administration shall develop and implement a mechanism that can be used at an airport security checkpoint to verify that—

''(1) a boarding pass of an individual has not been tampered with; and

''(2) the boarding pass accurately reflects the name of the person who purchased the boarding pass.''.

SA 75. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2010'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2010'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Paragraph (2) of section 4081(d) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(1)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(1) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking ''(4)(C) or (5)'' and inserting ''(4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(C) Subsection (l) of section 6427 is amended by striking ''DIESEL FUEL AND KEROSENE'' in the heading and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Paragraph (1) of section 6427(l) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(5),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term ''aviation-grade kerosene'' means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting ''or when such aircraft is a turbine engine powered aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: ''Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

SA 76. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, after line 25, add the following:

SEC. 329. TRANSFER OF AIR TRAFFIC CONTROL AUTHORITY.

Notwithstanding section 47124 of title 49, United States Code, the Administrator of the Federal Aviation Administration shall expeditiously assume operational control of air traffic control services at Martin State Airport, located near Baltimore, Maryland.

SA 77. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, strike line 21 and all that follows through page 235, line 4, and insert the following:

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and leverage private sector partnerships and consortia with experience across the supply chain, including research, feedstock development and production, small-scale development, testing, and evaluation of technologies related to the creation, processing, production, and transportation of alternative aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall, upon its designation, become a member of the CLEEN Consortium established under section 602(b), and shall, upon its designation, become part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

(d) IMPLEMENTATION OF THE RECOMMENDATIONS OF THE FUTURE OF AVIATION ADVISORY COMMITTEE.—

(1) NATIONAL LEADERSHIP.—The Administrator of the Federal Aviation Administration shall exercise strong national leadership in promoting and supporting United States commercial aviation as a first user of sustainable alternative fuels by—

(A) taking a lead role within the Biofuels Interagency Working Group; and

(B) supporting activities to promote the commercialization of alternative aviation

fuel through deployment of at least 1 commercial-scale production facility.

(2) PILOT PROGRAM.—In carrying out the pilot program described in paragraph (1)(B), the Administrator shall—

(A) coordinate with other Federal agencies to utilize existing Federal support mechanisms, such as loan guarantees (as defined in section 502(3) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(3))) and other authorized credit enhancements and supports, to finance 1 or more facilities capable of producing alternative aviation fuel not later than December 31, 2013; and

(B) give priority to facilities that—

(i) have, or can have in place not later than 180 days after the date of the enactment of this Act, off-take agreements with commercial air carriers;

(ii) will produce at least 50,000,000 gallons of alternative aviation fuel annually; and

(iii) will use agricultural or other renewable sources produced in North America as its primary feedstock.

(3) STUDY ON FUEL SPECIFICATION, TESTING, AND CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies any capacity constraints or inefficiencies in existing specification, testing, and certification processes for alternative aviation fuels, including a comparative assessment of such processes across United States Government agencies and international jurisdictions; and

(B) makes recommendations to accelerate the development of specifications, testing, and certification for alternative aviation fuels derived from a range of production processes.

SA 78. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. STUDIES OF NATURAL SOUNDSCAPE PRESERVATION.

(a) STUDY OF LEAST DEGRADED NATIONAL PARK SERVICE NATURAL SOUNDSCAPES.—

(1) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to identify National Park Service natural soundscape values and resources, as defined by policies 4.9 and 8.2 of the 2006 Management Policies of the National Park Service.

(2) IDENTIFICATION OF LEASE DEGRADED SOUNDSCAPES.—In conducting the study under paragraph (1), the Secretary shall analyze and identify up to 50 National Park Service natural soundscapes that have been the least degraded by—

(A) unnatural sounds; and

(B) undesirable sounds cause by humans.

(3) TECHNICAL ASSISTANCE.—To the extent that the Secretary has identified aviation or aircraft noise as one of the sources of natural soundscapes degradation, the Administrator shall provide technical assistance to the Secretary in carrying out the study under paragraph (1).

(b) PRESERVATION OF NATURAL SOUNDSCAPE RESOURCES.—To the extent that the Secretary has identified aviation or aircraft noise as 1 of the sources of National Park Service natural soundscapes degradation, the Secretary, in coordination with the Administrator, shall identify methods to preserve each of the National Park Service natural soundscapes identified in the study conducted under subsection (a), including the application of NextGen technologies to minimize overflights of these areas.

(c) REPORT.—Within 18 months after the date of enactment of this Act, the Secretary and the Administrator shall jointly submit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) describes the results of the study conducted under subsection (a) and the methods identified under subsection (b); and

(2) includes any recommendations that the Secretary and the Administrator determine to be appropriate.

(d) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 79. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. STUDY ON ECONOMIC IMPACTS OF CERTAIN PROPOSED REGULATIONS ON COMMERCIAL AIR TOUR OPERATORS IN THE GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the economic impacts of the preferred alternative of the National Park Service with respect to changes to commercial air tour operations in the Grand Canyon National Park Special Flight Rules Area as described in the Notice of Availability of the Draft Environmental Impact Statement for the Special Flight Rules Area in the Vicinity of Grand Canyon National Park for Grand Canyon National Park, Arizona (76 Fed. Reg. 6496).

(b) ELEMENTS.—The study required by subsection (a) shall address the impact of the preferred alternative described in that subsection on commercial air tour operators that operate in the Grand Canyon National Park Special Flight Rules Area, including the impact of the preferred alternative on—

(1) the number of flight operations over the Grand Canyon National Park;

(2) the total passenger volume of such flight operations;

(3) the total gross revenue from such flight operations;

(4) employment related to such flight operations; and

(5) the earnings of commercial air tour operators and their employees.

(c) REPORT REQUIRED.—Not later than December 31, 2011, the National Academy of Sciences shall submit to Congress and the Secretary of the Interior a report that contains—

(1) the findings of the National Academy of Sciences under the study required by subsection (a); and

(2) recommendations with respect to measures that could be taken to limit the economic impact of the preferred alternative described in subsection (a) on commercial air tour operators that operate in the Grand Canyon National Park Special Flight Rules Area while continuing to provide for the substantial restoration of natural quiet in the Grand Canyon National Park as required by section 3(b) of Public Law 100–91 (16 U.S.C. 1a–1 note).

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 100 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) is located not less than 100 miles from the nearest medium or large hub airport.''.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

SA 81. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.''.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

''(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.''.

SA 82. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 416 and insert the following:

SEC. 416. REPEAL OF SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 41743 is repealed.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41743.

SA 83. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BEGICH, Mr. DURBIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 19 and 20, insert the following:

SEC. 614. AEROSPACE WORKFORCE CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the National Aeronautics and Space Administration and the heads of other Federal agencies, as appropriate, shall leverage existing resources to establish a program to develop education and career pathways in occupations within existing or emerging sectors in a regional aerospace industry cluster through grants or other measures, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall ensure that participants in the program established under subsection (a) include—

(1) employers or employer groups in the regional aerospace industry cluster;

(2) educational and research institutions that have existing facilities and experience in research, development, and commercialization in the aerospace industry;

(3) institutions of higher education (including community colleges) with experience providing education and training for aerospace industry occupations;

(4) high schools with demonstrated experience in providing career and technical education and training in occupations related to the aerospace industry;

(5) a State or local workforce investment board established under section 111 or 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2821 and 2832), as appropriate;

(6) representatives of workers in the regional aerospace industry cluster; and

(7) other appropriate organizations.

(c) COMPETITIVE GRANT PROCESS.—

(1) IN GENERAL.—The Secretary shall require applicants to submit an application, at such time and in such a manner as the Secretary may reasonably require.

(2) CONTENTS.—The application submitted under paragraph (1) shall contain a description of the eligible participants under subsection (b). Applicants shall be required to describe how participants will work together to accomplish the purposes of the program.

(d) DESIGNATION AS CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—The Secretary and the Administrator of the Federal Aviation Administration shall award grants to not fewer than 6 applicants, which shall be designated as Regional Centers of Excellence in Aerospace Career Pathways.

(2) CONSIDERATIONS.—In making designations under paragraph (1), the Secretary and the Administrator shall—

(A) consider the existing aerospace industry presence and aerospace-related education, workforce training, and research and development activities in the region;

(B) take any necessary measures to ensure—

(i) an equitable geographic distribution of funds; and

(ii) an appropriate balance in addressing the needs of aerospace industry segments; and

(C) consider the presence of high unemployment and economic dislocation in public sector, aerospace-related jobs in the designation of at least 1 center.

SA 84. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(B), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 8 available to limited incumbent air carriers or new entrant air carriers and 16 available to other incumbent air carriers.

''(B) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(i) DISTRIBUTION.—Of the exemptions made available under subparagraph (B), the Secretary shall make 2 available to limited incumbent air carriers or new entrant air carriers and 6 available to other incumbent air carriers.

''(ii) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under subparagraph (B) to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

''(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

''(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term 'advanced imaging technology'—

''(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing; and

''(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.''.

NOTICES OF INTENT TO OBJECT

I, Senator JON KYL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator JIM DEMINT intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator RAND PAUL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, this is to advise you that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Monday, February 21, 2011, at 10 a.m., at the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center, Concourse Level B, One Civic Plaza, 400 Marquette NW, in Albuquerque, New Mexico.

The purpose of the hearing will be to receive testimony regarding recent natural gas service disruptions in New Mexico and the reliability of regional energy infrastructure.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler at (202) 224–6689, Deborah Estes at (202) 224–5360 or Meagan Gins at (202) 224–0883.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that a Coast Guard fellow in my office, Charles Banks, be granted floor privileges for the duration of the consideration of the FAA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of S. Res. 49, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness'';

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, ''[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal'';

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal judge, stated, ''[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation's complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the Nation's history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

MEASURE READ THE FIRST TIME—H.R. 359

Mr. REID. Mr. President, I understand H.R. 359 has been received from the House. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

Mr. REID. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

WASHINGTON'S FAREWELL ADDRESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow, Tuesday, February 15, at 10 a.m.; 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; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, that at 11 a.m. the Senate resume consideration of S. 223, the FAA bill, as provided for under the previous order; and finally, the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first vote of the day will occur at approximately noon tomorrow. That vote will be in relation to the Nelson of Nebraska amendment, as amended, regarding the distribution of airport screening x rays. Senators should expect rollcall votes in relation to amendments to the FAA bill to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:04 p.m., adjourned until Tuesday, February 15, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE JAMES WILLIAM CARR, TERM EXPIRED.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE GEORGE M. DENNISON, TERM EXPIRED.

SOCIAL SECURITY ADMINISTRATION

HENRY J. AARON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2014, VICE JEFFREY ROBERT BROWN, TERM EXPIRED.

DEPARTMENT OF STATE

JONATHAN SCOTT GRATION, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

EXECUTIVE OFFICE OF THE PRESIDENT

MAJOR GENERAL MARILYN A. QUAGLIOTTI, USAF (RET.), OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE JAMES F.X. O'GARA.

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

GARRY W. LAMBERT
BRYAN P. RASMUSSEN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

KARIN E. THOMAS

To be lieutenant commander

MARK T. ANDRES
RODOLFO J. CANOS
JUSTIN J. DEGRADO
JULIE E. DIERKSHEIDE
JAMES J. EPPERLY
SAFI R. FARUQUI
TREVOR R. GASKILL
BRIAN M. GILLEN
MELANIE D. JOHANSSON
HYUNG W. KIM
TAMEEKA L. LAW
JOE MILLER

FRED F. MO
JASON A. NYDICK
DAVID A. PAZ
HOWARD I. PRYOR II
DARIAN C. RICE
ASHER O. SMITH
AARON D. STAVINOHA
BRADLEY W. THOMAS
SARAH A. VILLARROEL
LESLIE A. WALDMAN

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 14, 2011:

THE JUDICIARY

JAMES E. GRAVES, JR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

EDWARD J. DAVILA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

EXTENSIONS OF REMARKS

HONORING BETTY CRAWFORD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Betty Crawford, a resident of Marks, MS, who has used her talent as a folk artist to teach and inspire many audiences. From summer art camps to craft workshops, children and adults alike have had countless opportunities to learn from her original style of art. Using textiles, paint, recycled and repurposed materials, she crafts one-of-a-kind treasures to preserve history and to document southern culture.

Betty serves as a historian for the original Mule Train Journey of 1968, a part of the Poor People's Campaign. She has preserved the history of this event in the form of commemorative art pieces, which have been displayed at museums, schools, churches, community centers and at the Union Theology Seminary in New York.

Betty Crawford, who was too young to participate in the first noble effort, has kept the legacy alive through her artistry and community service. Her depiction of the Mule Train has been nationally recognized as the only original commemoration of that event. Among other awards, she has received the 2002 Outstanding Achievement Award and the 2003 Humanized Education Award both from the Mississippi Association of Education. In 2004 and 2005 she was nominated for the National Education Association Award. In 2005 she was awarded the Tougaloo College Leadership Institute—Strategic Initiative Plan Award; Fannie Lou Hamer Award for Outstanding Community Service and and Peer Award for Excellence—Jackson, MS.

Mrs. Crawford is presently working diligently with local governments, schools and community groups. She supports human rights projects including the Southern Rural Black Women Initiative in Mississippi, Alabama, and Georgia; Kensington Welfare Union Rights in Philadelphia, PA; Scholars Poverty Initiative at the Union Theology Seminary in New York, NY and other organizations that strive to empower people and rectify injustices. Mrs. Crawford's ultimate vision is to see a Southern Cultural Museum in Marks, MS, to house her Mule Train Quilt as well as other artists' work that would bring people from all around the world to experience a part of the Delta's Southern Heritage.

HONORING DR. REV. EDDIE WALLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Dr. Rev. Eddie Walls, Jr., a native of Claiborne County. Dr. Rev. Eddie Walls was born March 24, 1928, to the late Eddie and Carrie Walls. His early education includes the Romola School, Old St. Mark School and the Claiborne County Training School. He furthered his education at Alcorn College located in Lorman, Mississippi. On August 15, 1944, he joined Greater St. Mark M B Church.

On September 26, 1956 he was united in holy matrimony to the late Lessie Paris. To this union three (3) children were born: Linda, Eddie III, and Janice. He has five grandchildren and one great grandchild.

Dr. Rev. Eddie Walls, Jr., serves as the Minister to two congregations. He was elected October 1976 at New Come & See M B Church, having now served 34 years; and the Jerusalem M B Church having served 25 years. As a citizen, he still finds the time to be involved in community activities. He was past president of the NAACP, where he led the charge during the Port Gibson Boycott for 12 years. The U.S. Supreme court rendered a decision in favor of the citizens of Port Gibson. He was also part of a group that filed a suit to stop At-Large elections in Port Gibson which was won by the citizens of Port Gibson. He was past president of the PTSA for nine years. He is currently serving on the City of Port Gibson's Board of Aldermen with a 22 year history.

He was given an Honorary Doctorate in September 2010 by the Claiborne County Baptist Association.

During his many years of dedicated service to this community, Dr. Rev. Eddie Walls, Jr., has proven himself to be a God-sent man.

HONORING PRESIDENT RONALD WILSON REAGAN

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. GINGREY of Georgia. Mr. Speaker, today I rise to commemorate the legacy of President Ronald Reagan—a remarkable statesman and leader—whose 100th birthday would have been last Sunday. Recently, I visited the Reagan Library in his home state of California, and I was reminded of his steadfast leadership and significant achievements on behalf of our Nation.

President Reagan was an icon of conservative principles. He brought about sound policies of individual freedom and fiscal responsibility which showed democracy and capitalism at its best. He was a man whose belief in free enterprise changed the course of difficult economic times towards growth and prosperity.

His influence was felt not only by those at home, but also abroad, as he exemplified leadership with unwavering determination during the Cold War. His mission to achieve "peace through strength" changed the course of history as our Nation ultimately prevailed against the forces of communism.

Mr. Speaker, I ask that my colleagues join me in taking this time to reflect on the great accomplishments of our 40th President and to join me in honoring him as one of the most influential men of our time.

HONORING ELDRIDGE "BUTCH" WALKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Rolling Fork Mississippi, native, Eldridge (Butch) Walker. Eldridge Walker was educated in the public schools of Sharkey County, Mississippi. He studied at Worshem College School of Mortuary Science.

Early in his career, Eldridge exhibited the traits of a true leader and activist. He became an active participant in the fight for others and remained focused on improving the quality of life for all Sharkey County, Mississippi, residents, particularly the disenfranchised, poor and vulnerable.

Butch was the first black president of the Sharkey County Board of Supervisors. As supervisor he was responsible for bringing the first Win Job Center to Rolling Fork, MS. Butch served as mayor of Rolling Fork from 2003 to 2007. While serving in the capacity of Mayor, Butch founded the Mayor's Youth Council in 2006 and hosted the Annual Christmas Dinner for Senior Citizens and after his term was over he continues this tradition with his own funds and community contributions. Eldridge owns and operates the Mitchell L. Walker Funeral Home in Rolling Fork. He is dedicated to helping families at such a delicate time in life.

He is a member of 100 Black Men of the Mississippi Delta, a deacon and lifelong member of Mt. Lula Missionary Baptist Church and president of the Sharkey-Issaquena Mass Choir for 14 years. He is also team lead for Sharkey/Issaquena Place Matters, a program that brings awareness to communities about health issues such as hypertension, diabetes and obesity. Eldridge is married to Anne Marie Bailey. Together, the couple have six children, Nickolaus, Kimberly, Ashley, Wendi, Robert and Kiara and three grandchildren Dyamone, Elaysia and Jace.

NATIONAL TELEWORK WEEK

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SARBANES. Mr. Speaker, I rise in support of National Telework Week.

Beginning on Monday, February 14, thousands of Americans will perform at least one full day of work from their homes or alternate work spaces rather than their traditional offices. It is estimated that about one-third of carbon emissions in the United States are transportation-related, yet the U.S. embraces workforce management practices that encourage long commutes and excessive travel. This pragmatic, commonsense workforce management strategy will provide meaningful relief to workers in the national capital region and across the country.

Late last year, Congress made the United States Government a leader in the movement toward flexible workplaces—significantly expanding telework opportunities for most Federal workers. On December 9, President Obama signed into law the Sarbanes-Wolf-Connolly Telework Enhancement Act of 2010. The product of over three years of bipartisan, bicameral cooperation, the new law requires all Federal agencies to establish a uniform telework policy, ensuring that most employees who wish to telework are able to do so. The Telework Enhancement Act requires Federal agencies to develop training programs for teleworkers and managers, to include telework in continuity of operations plans, and to designate a Telework Managing Officer to lead the telework program at each agency.

This new law will not only increase efficiency in the Federal Government, it will strengthen our national security. By including telework in continuity of operations plans, we can ensure vital services continue in the event of an emergency. The best evidence of this was last year, when a snowstorm shut down the Government for nearly a week. During that period, Federal employees with the ability to telework were able to continue to operate. According to John Berry, the Director of Office of Personnel Management, the Federal Government saved approximately $30 million per day that would have been otherwise lost.

Telework provides numerous benefits to strengthen our economy and enhance employee work-life balance. The U.S. Patent and Trademark Office features a robust telework program and has seen substantial increases in employee productivity and morale since its inception. By implementing an agency-wide telework program, the Patent and Trademark Office has avoided securing $11 million in additional office space and has developed a more competitive recruitment process. Telework now enables the agency to draw from a talent pool of qualified candidates living anywhere in the country.

In 2009, then-Governor Tim Kaine instituted Telework Day in the Commonwealth of Virginia. For one day, more than 4,000 pledged to telework. Pledges collectively removed more than 82 tons of pollutants from harming our environment, saved more than $124,000, and avoided driving 140,000 miles—all in just one day. As of February 11, 2011, more than 34,800 people have already pledged to telework at least one day across the Nation. These pledges will collectively save more than $2.3 million in commuting costs and remove more than 1,595 tons of pollutants from the environment.

In his State of the Union address, the President challenged us to reinvigorate America's competitiveness. He set the goal of "connecting every part of America to the digital age." Telework allows us to leverage today's technological advances, developed by America's pioneering companies, to enhance our Nation's efficiency, improve the environment, ensure our safety, and elevate our quality of life. As we struggle through another winter marked by agency closures, unprecedented traffic jams and millions of dollars in lost productivity, National Telework Week should serve as a clarion call to the administration to expeditiously implement the new Telework law and as a demonstration of the incredible benefits of a robust Federal telework policy.

HONORING MRS. ELIZABETH SHARKEY KEGLAR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a worthy member of our society Mrs. Elizabeth Sharkey Keglar. Her contributions to society are a great distance from Washington, in terms of miles but they are considered milestones back home in Tallahatchie County also known as the "Free State of Tallahatchie". She was married to Morgan Keglar in 1936 in which they had one son, Morgan, Jr., but one was just the start of her love to protect and teach children and allowed her and her husband to open their arms and home to four other boys.

If you become familiar with her life and take into account the era in which she grew up along with where, the Mississippi Delta, then I am confident that you would join me in recognizing her this day. Mrs. Keglar was born November 12, 1914, in Tallahatchie County, Mississippi, to James Sharkey and Roberta Wright Sharkey.

"The soul would not have a rainbow if the eyes didn't have tears." Her beginning was challenging and unsure. On the national scene she was born at the beginning of World War I (1914–November 1918) under the Woodrow Wilson Presidential administration. She lived through the Great Depression (1929–1940s) and a Second World War (1939–1945). She also lived through the Jim Crow laws of the dirty south. She along with other poor minorities and southerners in the south gained a sense of optimism with President Roosevelt's New Deal. On the local scene back home in Tallahatchie County, she was trying to live through two horrifying tragedies. One being the murder of her sister-in law in January 1966, Mrs. Birdia Keglar, longtime voting rights activist from Charleston, Mississippi, because of involvement in the civil rights. The other being the horrific murder of Emmett Till a fifteen-year-old, young black boy who was accused of whistling at a white woman in Money, Mississippi.

However, in the midst of those and countless other events that helped to shape this country and Mrs. Keglar's life, she persevered. The way she dealt with them was through education. Education at that time was viewed as the only means of having a fighting chance of survival. Racism and murder were so rampant in the "Free State of Tallahatchie" that an education was vital. She told her high school principal, Professor Hopkins that she wanted to teach as her means of helping others. Professor Hopkins then took Elizabeth who was in eleventh grade at the time to the Tallahatchie County Courthouse to take a test to determine which grade levels she would be proficient enough in to teach. It was determined that her grade to teach would be the first grade. Afterwards, Elizabeth received her high school diploma in 1937. Teaching was a revered profession during that time because school houses for black, "Negroes" were done anywhere possible and often during certain times of the year (i.e., churches, outdoors, back rooms, after harvesting, etc.). In addition, she had to teach children of all ages in the same class. Mrs. Keglar taught at Mt. Levy Church School, which was a twelve mile walk from her home. She later transferred to Blue Cane Community School where she served as teacher and then principal. Her longest commute in the name of education was fifteen miles a day for eighteen years to and from Adams Quarter in the Town of Charleston. In 1960, Elizabeth graduated from Alcorn State University with her Bachelor's Degree in Elementary Education.

Elizabeth said her drive in life which has helped mold her young and now ninety-seven years old is, "to live right and reach for the stars" and that is how she has contributed to minorities, her people, and children throughout her home county of Tallahatchie. Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Elizabeth Keglar and her commitment and contribution to this country.

A TRIBUTE TO NEW REVELATION MISSIONARY BAPTIST CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to recognize New Revelation Missionary Baptist Church of Pasadena, California, upon its fiftieth anniversary.

New Revelation Missionary Baptist Church was established in Pasadena in 1961 by Minister Ike Morris. In 1963, the church purchased a building on Orange Grove Boulevard—a three-bedroom house—which served as the new place of worship. In 1967, with the resignation of Pastor Morris, William Turner, Jr. a minister who served faithfully under the tenure of Pastor Morris, was called to become the new Undershepherd and Pastor of the church.

Under the leadership of Pastor Turner, and with the vision and support of the congregation, a vision to "serve the whole person" was set forth. To that end, a massive ten-year building project was undertaken to create a Sanctuary, child development center, full-court gymnasium, and tutorial program. In 1967, the church purchased and renovated a twelve-room apartment house. In 1968, the church completed the plans for the project, a building permit was granted in 1969 and the church began building. Church members and friends among the community donated their labor and financial assistance, and the Sanctuary was completed in August of 1970. Soon thereafter, with the assistance of Mr. Raymond Jones, the church was able to secure a loan liquidating some of the building expenses. In 1973, with the help of Mr. Vaughn Hardy and Mr. Nick Nickolson, the church received a loan from Prudential Insurance Company for the

completion of the project, and in 1974 the building project was finished.

Since its inception, New Revelation Missionary Baptist Church has provided spiritual guidance and tangible support to the Pasadena and Altadena community—living by their dictum: "until the whole person is saved, our mission remains." This ideology is apparent in the church's many programs and ministries that include the Family Counseling Center, New Revelation Twelve Step Sober Living Home for Women, Street Ministry, Pastor's Care Ministry, Inner City Word Processing Center, New Revelation Shelter Home for Men, Alcohol and Drug Abuse Program, and New Revelation Community Development Center. Additional programs include the Revelation Enrichment Academy Preschool, the Spiritual Manpower Program, a Cell Evangelism Ministry, the Critically Homeless Program and a Love and Care Ministry for homeless disabled Veterans.

I consider it a great honor to recognize New Revelation Missionary Baptist Church, and I invite all Members to join me in congratulating the congregation upon fifty years of service to the community.

HONORING EVELYN GORDON-MURRAY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, today I rise to honor Evelyn Gordon-Murray. Evelyn Gordon-Murray was born on June 22, 1964, the youngest of 10 children. She is a 1982 graduate from Leland High School in Leland, MS. She received her Bachelor of Science degree in Agronomy from Alcorn State University in 1986. She also received her Masters degree in Agronomy from Alcorn State University in 1998.

Evelyn is married to Darnell Murray. She has one daughter, Kenyatta Anderson. She belongs to Beulah Grove Baptist Church, where she serves as the secretary; a member of the Washington County Alumni; a member of New Organization of Women Social & Civic Club; a member of Eastern Star; the President of the Leland School Board; and also a band parent.

Evelyn has worked for the federal government 23 years. She loves and enjoys helping others get assistance, especially in housing. She is currently the Area Specialist in Rural Development.

TRIBUTE TO ALBERT MANZO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual who I am proud to call a friend, Albert Manzo, who will be recognized by the Roma Club as their 2011 Man of the Year for his distinguished service and dedication to his community.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for his story is a true embodiment of the American Dream.

Albert is co-owner of The Brownstone, one of New Jersey's premier catering facilities, located in my hometown of Paterson. In addition to working long and tireless hours to provide guests with the finest dining and party experience, Albert gives freely of himself, and is willing to listen and lend his support to numerous charitable organizations. The Brownstone is an important part of the greater Paterson community, and a special place for so many families who mark life's milestones with gatherings there.

Albert also serves as a Commissioner with the North Jersey District Water Supply, and served as the first Chief of the Passaic County Deputy Sheriff's Division. Albert also sits on the Board of the Passaic County Technical Institute Education Foundation, as well as serving as Deputy Emergency Management Coordinator for North Haledon, NJ. Albert is a past President of the Paterson Rotary and a member of Passaic Valley Elks Lodge 2111. He is a Board member of CROC—Citizens Reunited to Overcome Cancer, and served on Paterson's Blue Ribbon Committee to Review Public Safety.

Albert has been married for 26 years to his lovely wife, Caroline, and they have three beautiful children, Albert IV, Lauren, and Christopher. The Manzo family currently resides in Franklin Lakes, NJ.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Albert Manzo.

Mr. Speaker, I ask that you join our colleagues, Mr. Manzo's family and friends, all those whose lives have been touched by him, and me in recognizing the outstanding contributions of Albert Manzo to his community.

HONORING JESSIE POLLY HOLLOWAY BEVERLY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Jessie Polly Holloway Beverly. Mrs. Beverly was born on January 3, 1910 to the late Jesse and Minnie Rice Holloway on Spring Street in Fayette, Mississippi. She was the older of two children.

Mrs. Beverly was married to her hometown sweetheart, Superintendent Mason R. Beverly, on June 26, 1936. To this marriage one daughter was added, the late Camille M. Beverly who was born on July 9, 1941.

Mrs. Beverly is a long life educator. She knew at an early age that she had the desire to become a teacher. She began teaching at the age of 17.

Mrs. Beverly's educational background included: Charles Summer School and Jackson State College. She received her Bachelor of Science Degree in Elementary Education at Rust College in 1959 and a Master of Science Degree in Library Science from Atlanta University. She also furthered her studies at St. Louis University, Indiana State University, and Delta State University.

Mrs. Beverly retired from the public school system after teaching 50 years. Her first job was in 1927 at Charles Summer School in Fayette, Mississippi. She was the first Black librarian in Jefferson County. She worked as a librarian in Jefferson County and Claiborne County School Districts.

Mrs. Polly Beverly was also affiliated with Fayette Garden Club, Professional Teachers Association, Chamber of Commerce member, and the American Red Cross.

Mrs. Beverly is presently a church mother at Mt. Zion Church of God In Christ but was reared in Adams Chapel Methodist Church.

The city of Fayette named the Polly Beverly Apartments and Beverly St. in her honor.

DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. HOLT. Mr. Speaker, our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families. More than one month into the 112th Congress, we have not considered one bill that would achieve these goals.

The symbolic resolution before us last Friday directs House committees to conduct oversight of government regulations, one of their principal job functions. We do not need a resolution to tell us to do our job. We need to get to work on behalf of the American people.

On the first day of this session of Congress I introduced a series of bills that would provide tax relief to businesses struggling in this economy and invest in the innovation that leads to long-term economic growth and jobs that will not be shipped overseas. Rather than wasting valuable time to make a political statement, we ought to be considering these or other bills that would promote jobs, innovation, investment, and growth.

One of my bills, the Creating Jobs from Innovative Small Businesses Act, would encourage small business investment by establishing a temporary 20 percent tax credit for investments in research-intensive small businesses. Angel investors play a crucial role in supporting early-stage companies. Angel investors and their investments have a strong local impact and some have immense potential. A $100,000 angel investment, for example, allowed Larry Page and Sergey Brin to move out of their dorm rooms and make Google a commercial success.

A second bill, the Create Jobs by Expanding the R&D Tax Credit Act, would help businesses by strengthening the research and development tax credit, which rewards businesses who invest in innovation and allows them to expand and hire new workers. Another bill would make permanent the R&D tax credit, which studies show returns two dollars in private research investment for every dollar spent. Businesses need the certainty that the R&D tax credit will exist year after year, and they should be able to use the credit to generate capital now.

Let us move beyond symbolic, political resolutions such as this one and get to the important work of rebuilding our economy.

HONORING MS. HATTIE R. JORDAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Hattie R. Jordan, the daughter of slaves who was reared on various plantations and the last one being owned by the late State of Mississippi Senator James O. Eastland. Her goal was not continue to chop and pick cotton for the rest of her life. Her goal was to get herself and her family off the plantation for a better way of life. Seven months after receiving her degree in Social Studies from Mississippi Valley State University she was able to build a house in Ruleville, Mississippi, and moved her surviving relatives, her father and sister from the plantation.

Ms. Jordan's dedication to other blacks in the Mississippi Delta to have a better life propelled her to become the first black educator to work at Rosedale High School in Rosedale, Mississippi, and be involved in the Civil Rights Movement. She joined the NAACP where she still has membership. She entered political office in 1993 as an Alderwoman for the City of Ruleville and served four terms ending in 2009.

She was and is instrumental in keeping the legacy of Ms. Fannie Lou Hamer alive. Ms. Jordan raised $115,000 to construct the Fannie Lou Hamer Memorial Garden. Her commitment to her community has developed into sponsoring the Ruleville Scholarship fundraiser, Ruleville Employees, and Senior Citizen's Dinner, organizing Annual Back-to-School Rallies, Annual Christmas give-away for the youth of Ruleville, sponsoring Student Council Debating Teams, Senior Class sponsor, and volunteering with numerous community organizations which enhance citizens' lives.

Ms. Jordan lives by the motto: ''I can do all things through Christ, which strengthen me''.

Mr. Speaker I ask my colleagues to join me in recognizing Ms. Hattie Jordan's dedication to education and the civil rights of others. Her life has touched the lives of people both young and old.

HONORING JONAS D. BUFF FOR HIS SERVICE TO McDOWELL COUNTY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor a remarkable community leader, Jonas D. Buff. For ten years Mr. Buff served on the Board of Commissioners for McDowell County while also serving as its chairman in 1994. His dedication and commitment have brought growth and progress to McDowell County.

Mr. Buffs work to strengthen his county has included securing the location and grants to oversee the purchase of the McDowell County Industrial Park which is now home to three industries that are currently providing jobs to residents and economic development to the area. Mr. Buff also sought to recruit the State Prison facility to the county which now employs close to 400 individuals.

A strong proponent for the Nebo community owning its own water supply, Mr. Buff's advocacy helped bring about the ''Nebo Community Water System.'' Water lines and waste management are now extended to include a greater area, servicing more residents and laying a foundation for future growth.

In addition to aiding in the county's infrastructure growth, Mr. Buff was a strong supporter of volunteer and emergency services. During his tenure, the county implemented E–911 and Emergency Medical Dispatch and two EMS Base Stations were constructed.

I ask my colleagues to join me today in recognizing the dedication that Mr. Buff has demonstrated in creating positive change for his county. His legacy highlights the lasting impact each hardworking person can impart to their community.

HONORING JOAN RICHARDSON, COMMUNITY ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Joan Richardson a long-time community activist in the Mississippi Delta, one of America's poorest regions, who has given tirelessly and selflessly to improving the lives of many who are in greatest need.

She lifts up her community not only through her generous volunteerism but through her business. Her grant writing and small-business assistance company has raised hundreds of millions of dollars in grants and government contracts to benefit the Delta region. Her company, Richardson's Writing Service in Darling, Miss., has for 20 years helped community, faith-based and other nonprofit organizations obtain grants for programs that benefit children, the elderly and others in need. She knows economic development is essential to improving life in Quitman County, where she lives, and the rest of the Delta, and works with small businesses to develop business plans and win contracts to boost the region's economy.

She is the publisher of By U Magazine, a magazine that highlights the good deeds of people in the Delta and calls on them to help their neighbors who are in need. She serves on the board of Delta Missions Outreach Ministries. She dismisses praise about her community service, saying she is only answering God's call and whatever contributions she makes is through Him.

She lives in Sledge, Miss., with her husband, Victor a GED instructor at Northwest Community College and in the Quitman County School District. Her daughter, Latricia, teaches fifth grade in the school district. She has four grandchildren: Imani, Anaiah, Akeria, and India, a goddaughter, Monisha Wade and godson, Gerad Burt.

Mrs. Richardson exemplifies how people in the Delta are building up their communities to improve life for everyone, especially those who need an extra lift up.

IN CELEBRATION OF THE 100TH BIRTHDAY OF SISTER ELLEN LEDDY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. NEAL. Mr. Speaker, I wish to celebrate the 100th birthday of Sr. Ellen Leddy of Holyoke, Massachusetts. Below is a brief biography of Sr. Leddy and a history of her accomplishments.

Sr. Ellen Leddy, the historian of the Sisters of Providence Congregation, is the daughter of the late Edmund and Margaret (Golden) Leddy. She entered the SPs from Harvard, MA. Formerly Sister Marie de Lourdes, she served as the SPs' historical librarian in Horan Library at Providence Mother House, Holyoke, from 1982 until its closure in 1999. She was also an invaluable consultant for Seeds of Hope: The History of the Sisters of Providence, published in 1999.

She first ministered for 22 years as a registered medical technologist in laboratories at Mercy Hospital, Springfield, Providence Hospital, Holyoke, and St. Luke's Hospital, Pittsfield. She then served as local superior for Sisters attending Boston College and followed that service with nine years as director of formation for the Community's newest members.

She entered the social service and pastoral counseling fields in the late 1960s, first serving at the Municipal Home and Holyoke Day Nursery, and then at Mount Saint Vincent Nursing Home, all in Holyoke. Additional ministries included service as sacristan at Mount Saint Vincent Nursing Home, and both assistant coordinator and coordinator at Providence Mother House. She also served as a Minister of the Eucharist and Mount Saint Vincent Nursing Home and Blessed Sacrament Church, also in Holyoke.

Sister Ellen attended schools in Harvard, graduated from Mount St. Joseph Academy in Brighton and attended Fitchburg Normal School. She holds a master of arts degree in religious education from Providence College in Rhode Island and a master of education and bachelor of science in education degrees from Boston College.

She is a former member of the Catholic Theology Society, the Society of Catholic College Teachers of Sacred Doctrine, the Social Workers of Nursing Homes and Hospitals Organization in Massachusetts, and Community Workers Association of Holyoke.

She is only the second Sister of Providence of record to reach her 80th Jubilee, and lives an active lifestyle at Providence Place in Holyoke.

HONORING ANNIE PEARL SPEARS NICHOLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Annie Pearl Spears Nichols, a lifelong resident of Canton, Mississippi. Born November 20, 1944, Annie Pearl Spears Nichols attended school in the

Canton area and later received her Licensed Practical Nursing Degree from Hinds Community College in 1972. Mrs. Nichols has spent a great majority of her lifetime actively participating in the Civil Rights struggle. She began her involvement in 1965 when she became an intricate voice in the Voter Education/Registration Movement in Canton. Many local mentors, such as the late Ms. Annie Devine, taught her pivotal information on organizing movements towards the integration of public facilities and schools. Her efforts were rewarded in the establishment of Freedom Schools and the successful organization of boycotts and civil rights demonstration in the area.

In 1968, Annie married Attorney John Andrews Nichols, who was Canton's first Black attorney and first Black to run for Mayor for the City of Canton. Mrs. Nichols gave birth to four (4) children: Andrea, April; Alexis, and Adam. Mr. and Mrs. Nichols both pursued positions in public office; unfortunately, they were both defeated. Despite much opposition from the whites in the community, she and her husband continued their quest for equality and civil rights by participating in the March to Washington, DC and voicing concerns for continued funding of the Head Start Program. Through her struggles, she was afforded the opportunity to work alongside legendary figures of the Civil Rights Era, including James Meredith and Fannie Lou Hamer.

Her community outreach expands to a number of civic organizations in which she is involved, such as Founder of the ''Let's Talk Cancer'' support group of Canton, commissioner of the Canton Housing Authority, President of the Eastside Neighborhood Watch Association, and a member of the Women for Progress. Mrs. Nichols has been honored with Excellence in Leadership Awards and continues to be a model for hard work and dedication in her community through volunteering with the Triple C and the Canton PTSA.

HONORING DR. REGINALD RODGES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the distinguished life of Dr. Reginald Rodges who in 1997 was the youngest African American to graduate with a doctorate from Parker College of Chiropractic.

In 1998 he obtained his license to practice and opened the Mid-Delta Chiropractic Clinic. During that same year he was severely injured in an automobile accident where he sustained a broken neck and severe damage to his right hand and legs and underwent rehab for a year. He refused to give in to his disability and be a burden on society and in 1998 resumed practicing chiropractic.

In 2002 J&R Chiropractic was created to implement his innovative ideas and philosophies which laid the foundation for the opening of Chiro/Elite Natural Pain and Health Center. This facility specializes in three unique areas of service; herniated disc in the cervical and lumbar spine; fitness/gym; and nutritional weight loss center.

Dr. Rodges realized there was a void in the black community relative to fitness and weight loss in the Mississippi Delta. Through his innovative health practices he has enhanced the health and lives of his patients, and the first in the Mississippi Delta to address issues with the morbidly obese and obese.

His facility caters to a diverse population with varied socio-economic backgrounds.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Reginald Rodges and his dedication to the Mississippi Delta citizens in his health endeavors. His career has touched and is touching the lives of people both youthful and aged.

H.R. 359, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Ms. McCOLLUM. Mr. Speaker, with the passage of H.R. 359, House Republicans voted today to give corporations and other special interests even more power to influence America's elections. I strongly oppose this legislation and will continue working to restore transparency and balance to our country's broken campaign finance system.

H.R. 359 terminates the Presidential Election Campaign Fund, which was created in response to the campaign corruption exposed by the Watergate Scandal. The voluntary PECF allows taxpayers to set aside $3.00 of their federal taxes so that eligible candidates spend less time fundraising from special interests. H.R. 359 eliminates an important option citizens now have to support fair federal elections and takes another, worrisome toward corporate control of U.S. elections.

Many non-partisan organizations strongly oppose H.R. 359 and are raising alarm about the consequences of its passage. The League of Women Voters said the Presidential Election Campaign Fund ''has substantially reduced corruption and the appearance of corruption in the executive branch'' since its creation, and ''has given average citizens and small donors a critically important role to play in funding presidential campaigns and provided more meaningful choices to voters.'' Minnesotans agree. My home state has one of the most successful public campaign finance models in the nation, one that has provided real incentives toward limiting campaign spending. The bill before us today is a direct contradiction of Minnesota values, and I urge my colleagues to oppose it.

H.R. 359 is the second major assault on free and fair elections in the past year. The U.S. Supreme Court decision in Citizens United v. Federal Election Commission declared corporations have the same free speech protections granted to individuals. I completely disagree with the Court's decision, but the result of this decision is now clear—the floodgates are open to waves of special interest money in federal elections. The few protections that existed in law have been removed. In response, Democrats in Congress introduced the DISCLOSE Act to ensure Americans knew who was paying to influence their vote and to prevent foreign corporations and governments from funding U.S. elections. I voted for the DISCLOSE Act (H.R. 5175) when it passed the Democratic-led House in 2010. Unfortunately, Republicans in the Senate blocked the DISCLOSE Act from passage.

America's elections are for the American people. Unregulated corporate spending and new barriers to citizen-contributions will lead to more of the negative campaign ads and less citizen inspired democracy. I strongly disagree with the drive to corporatize America's elections which is an obvious priority for my Republican colleagues. It is fundamentally anti-democratic to fight to protect corporations' right to free speech while voting to prevent citizens from making their voices heard in the political process.

CONGRATULATING CALLIE M. COFFMAN ON HER 20TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. KILDEE. Mr. Speaker, I rise today to celebrate the 20th anniversary of my Chief of Staff, Callie M. Coffman. Twenty years ago today, I made one of the best decisions o my career by hiring a young, intelligent and ambitious intern to join my staff. I was so impressed by her work that after she graduated from the University of Michigan I asked her to join my permanent staff. Over the years, Callie worked her way up from interning to running my entire office. On the wall next to Callie's desk, she still has the original letter I sent to her offering her an internship.

It is not often that we get to celebrate a staffer's 20th anniversary on the Hill, especially in the same office. Over the years, I have seen many talented staff come and go. Today, I am thankful that Callie decided to stay and dedicate the last 20 years working for the people of mid-Michigan. Over the years Callie has put her mark on almost every legislative issue in my office. She has been instrumental in accomplishments such as welfare reform, reauthorization of Child Nutrition programs, the Higher Education Act, the Individuals with Disabilities Education Act and the reauthorization of Head Start and Early Head Start programs.

It is a testament to her character and ability that she rose to become Chief of Staff. It is not only important to find staff with a good head, but also a good heart and Callie is blessed to have both. I am fortunate to have had Callie on my staff for the last 20 years. Today, I want to thank her from the bottom of my heart for her service, friendship and loyalty.

OPPOSING FAILURE TO EXTEND TAA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. STARK. Mr. Speaker, I rise today to lament the expiration of the improved Trade Globalization Adjustment Assistance Act enacted in 2009. By refusing to extend this, the

Republicans have severely undermined the effectiveness of this vital program that helps people who have lost their jobs due to trade.

TAA has had bipartisan support for fifty years. There are workers in all 50 states who received assistance under this legislation. TAA ensures that we support American workers when their jobs are shipped overseas. It provides these workers training for new jobs, health coverage and assistance with their job search.

The 2009 reforms brought TAA into a new era so that service sector workers could also benefit from the program. This improved program allowed workers who lost their jobs to China or India, and not just countries with which we have a Free Trade Agreement, to benefit from the program. It also expanded the health coverage tax credit to 80% from 65% of premium costs and granted an extra 26 weeks of income support for workers in training.

In just the last eighteen months, over 400,000 workers qualified for benefits under the TAA program, and nearly 27,000 of them are in California. Nearly half of those workers qualified under the provisions adopted in 2009. These new, expanded benefits have now expired because of Republican inaction.

The Republican majority is focused on cutting $100 billion from the budget, voting on Patriot Act wiretaps, and taking away health care from millions of Americans. What they aren't doing is helping workers. By allowing the 2009 TAA reforms to expire, the Republicans have once again demonstrated that their priorities are out of line with the needs of ordinary Americans.

We owe it to these hundreds of thousands of workers to support them when their job moves overseas. I urge the Republican leaders of Congress to bring an extension of Trade and Globalization Adjustment Assistance Act of 2009 to the floor as quickly as possible.

INTRODUCING LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO MODIFY THE INCENTIVES FOR THE PRODUCTION OF BIODIESEL

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Ms. HIRONO. Mr. Speaker, I rise today to introduce legislation that extends to the end of 2016 the $1.00 per gallon biodiesel tax credit and the additional $0.10 per gallon tax credit to small agri-biodiesel producers. Extending the biodiesel tax credit for another five years will provide the certainty and stability in the marketplace that is needed to encourage companies to invest in the development and production of biodiesel.

Companies throughout the United States have emerged as pioneers in this growing renewable energy sector. The founder of Hawaii's Pacific Biodiesel observed that large quantities of used cooking oil were going directly to a local landfill and proposed converting this restaurant waste into biodiesel in order to fuel the landfill's generators. This is but one example of how an innovative idea can turn a problem into a solution. By producing a more sustainable and environmentally friendly fuel, companies like this one have helped Hawaii—the most oil-dependent state in the country—become more energy self-sufficient. In addition, producers like these not only diversify our domestic energy portfolio but also boost our local economies by creating jobs for biodiesel production and distribution as well as for feedstock farming and collection.

President Obama noted in his recent State of the Union speech that he supports incentives to invest in and develop the biofuels industry in order to break our country's dependence on oil. This legislation takes us a step forward to achieving that goal.

INTENT TO OFFER AN AMENDMENT ON H.R. 1

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. BLUMENAUER. Mr. Speaker, at the appropriate tin during the debate on H.R. 1, the Full Year Continuing Appropriations Act, I plan to offer the following amendment to amend Page 303 of H.R. 1 by striking lines 3 through 9 and inserting the attached language.

This amendment would fully restore all funding to the Corporation for Public Broadcasting (CPB) that H.R. 1 aims to eliminate. A portion of this funding would provide CPB with the funds necessary to assist with the transition to digital broadcasting, provide for the costly infrastructure and maintenance that connects rural to urban, and assist with radio interconnection.

RECOGNIZING THE GENESEE DISTRICT LIBRARY'S BLACK HISTORY MONTH BRUNCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the Genesee District Library as it celebrates the 10th Annual Black History Month Brunch on Saturday, February 19th in Grand Blanc Michigan.

Proceeds from the Brunch help fund the Genesee District Library's Summer Reading Program. The Library operates this program at its 19 locations with 5,000 young people participating. This year the program will feature renowned gospel singer, Vickie Winans, and jazz recording artist Randy Scott.

The Genesee District Library will also present six individuals from Genesee County with the Award of Excellence. These individuals have made significant contributions to the community and provide inspiration to future generations. These individuals are: Dr. George Ross, a Flint Northern High School graduate who is the first African-American President of Central Michigan University; former state representative and educator, Genesee County Commissioner Brenda J. Clack; Floyd Clack, former state representative and educator, currently an Eastern Michigan University Regent; Samuel Cox, owner and operator of three area McDonalds Restaurants; Dr. Reginald G. Flynn, pastor of Foss Avenue Baptist Church and community activist; and Judge Tracy Collier-Nix of the 68th District Court and the second African-American female to join the Genesee District Bar Association.

Mr. Speaker, I congratulate the Genesee District Library for showcasing Black History Month through its recognition of these outstanding citizens and providing a nurturing environment for all generations to contemplate new ideas, discover new skills, encounter new cultures, and develop the enthusiasm to work for a brighter tomorrow.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 15, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 16

Time to be announced

Finance

Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SD–215

Small Business and Entrepreneurship

Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

Room to be announced

9:15 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine saving the D.C. Opportunity Scholarship Program.

SD–342

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012; to be immediately followed by an organizational business meeting to examine subcommittee assignments, revise recusal policy for executive nominees, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine safeguarding our future, focusing on building a nationwide network for first responders.

SR–253

Environment and Public Works

To hold hearings to examine national leaders' call to action on transportation.

SD–406

Finance

To continue hearings to examine the President's proposed budget request for fiscal year 2012.

SD–215

Judiciary

To hold hearings to examine targeting websites dedicated to stealing American intellectual property.

SD–226

Intelligence

To hold hearings to examine the worldwide threat.

SH–216

10:30 a.m.

Health, Education, Labor, and Pensions

Organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee during the 112th Congress, Public Health Service nominations, and an original bill entitled Technical Amendment to the Education Sciences Reform Act.

SD–430

11:30 a.m.

Indian Affairs

Organizational business meeting to consider electing Chairman and Vice Chairman, committee rules, and any other organizational business items during the 112th Congress.

SD–628

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine improving Federal employment of people with disabilities.

SD–342

3 p.m.

Judiciary

To hold hearings to examine the nominations of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia.

SD–226

3:30 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Lithuania's leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on the challenges that the Lithuanian chairmanship faces.

SD–562

FEBRUARY 17

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD–G50

10 a.m.

Banking, Housing, and Urban Affairs

Organizational business meeting to consider committee rules, subcommittee assignments, and an original resolution authorizing expenditures by the committee during the 112th Congress; to be immediately followed by an oversight hearing to examine the Dodd-Frank implementation, focusing on a progress report by the regulators at the half-year mark.

SD–538

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 and revenue proposals.

SD–608

Commerce, Science, and Transportation

Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SR–253

Judiciary

Organizational business meeting to consider committee rules, subcommittee membership and jurisdiction, an original resolution authorizing expenditures by the committee during the 112th Congress, S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, and the nominations of Sue E. Myerscough, and James E. Shadid, both to be a United States District Judge for the Central District of Illinois, Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Michael H. Simon, to be United States District Judge for the District of Oregon, and Mae A. D'Agostino, to be United States District Judge for the Northern District of New York, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice.

SD–226

Small Business and Entrepreneurship

To hold hearings to examine reauthorization of the SBIR and STTR programs.

SR–428A

2 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine United States policy toward Latin America.

SD–419

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agriculture and growing America's economy; to be immediately followed by an organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SR–328A

Homeland Security and Governmental Affairs

To hold hearings to examine President's proposed budget request for fiscal year 2012 for the Department of Homeland Security.

SD–342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3:30 p.m.

Rules and Administration

Organizational business meeting to consider an original resolution authorizing expenditures for the 112th Congress; to be immediately followed by a hearing to examine Senate committees that have presented budgets above guidelines for the 112th Congress.

SR–301

MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012

and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SD–106

MARCH 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD–366

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD–106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD–366

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session.

SD–G50

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S651–S704

Measures Introduced: Twenty bills and one resolution were introduced, as follows: S. 327–346, and S. Res. 49. **Pages S682–83**

Measures Reported:

S. 340, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund. (S. Rept. No. 112–1) **Page S682**

Measures Passed:

Celebrating Black History Month: Senate agreed to S. Res. 49, celebrating Black History Month. **Pages S702–03**

Measures Considered:

FAA Air Transportation Modernization and Safety Improvement Act—Agreement: Senate resumed consideration of S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, taking action on the following amendments proposed thereto: **Pages S653–64, S670–77**

Withdrawn:

Inhofe Amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations. **Pages S653, S670–74**

Pending:

Wicker Modified Amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners. **Page S653**

Blunt Amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company. **Page S653**

Paul Amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008. **Page S653**

Rockefeller (for Wyden) Amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands. **Page S653**

Inhofe Amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered. **Page S653**

Rockefeller (for Ensign) Amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System. **Page S653**

McCain Amendment No. 4, to repeal the essential air service program. **Page S653**

Rockefeller (for Leahy) Amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit. **Page S653**

Reid Amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes. **Page S653**

Reid Amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, Nevada. **Page S653**

Udall (NM)/Bingaman Amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes. **Page S653**

Udall (NM) Amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software. **Page S653**

Nelson (NE) Amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings.

Page S653

Paul Amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. **Page S653**

Rockefeller (for Baucus) Modified Amendment No. 75, of a perfecting nature. **Pages S674–76**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 11 a.m., on Tuesday, February 15, 2011; that at 11:40 a.m., Senate proceed to consideration of Nelson (NE) Amendment No. 58 (listed above); that a Nelson second-degree amendment, which is at the desk, be agreed to; that there be up to 20 minutes of debate, equally divided, prior to a vote on or in relation to the amendment, as amended; that no further amendments be in order to the Nelson (NE) amendment prior to a vote; provided further, that at 2:15 p.m., there be 10 minutes of debate equally divided in the usual form prior to a vote on or in relation to Wicker Modified Amendment No. 14 (listed above); that all amendments covered in this agreement, be subject to a 60 vote threshold; that if an amendment does not achieve 60 affirmative votes, the amendment be withdrawn; and that there be no second-degree amendments in order prior to the votes.

Page S703

Washington's Farewell Address—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, 2011 at a time to be determined by the Majority Leader in consultation with the Republican Leader. **Page S703**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2012; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; which was referred to the Committees on Appropriations; and the Budget. (PM–5) **Pages S679–81**

Nominations Confirmed: Senate confirmed the following nominations:

James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Pages S664–70, S704

By a unanimous vote of 93 yeas (Vote No. EX. 15), Edward J. Davila, of California, to be United States District Judge for the Northern District of California. **Pages S664–70, S704**

Nominations Received: Senate received the following nominations:

Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2014.

Jonathan Scott Gration, of New Jersey, to be Ambassador to the Republic of Kenya.

Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Routine lists in the Navy. **Pages S703–04**

Measures Read the First Time: **Pages S681, S703**

Enrolled Bills Presented: **Pages S681–82**

Executive Communications: **Page S682**

Additional Cosponsors: **Pages S683–84**

Statements on Introduced Bills/Resolutions: **Pages S684–96**

Amendments Submitted: **Pages S697–S702**

Notices of Intent: **Page S702**

Notices of Hearings/Meetings: **Page S702**

Privileges of the Floor: **Page S702**

Record Votes: One record vote was taken today. (Total—15) **Page S670**

Adjournment: Senate convened at 2 p.m. and adjourned at 8:04 p.m., until 10 a.m. on Tuesday, February 15, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S703.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 684–700; 1 private bill, H.R. 701; and 11 resolutions, H.J. Res. 27–36; and H. Res. 91 were introduced. **Pages H773–76**

Additional Cosponsors: **Page H776**

Reports Filed: Reports were filed today as follows:

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2011 (H. Rept. 112–12) and

H. Res. 92, providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 112–13). **Page H773**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bishop (UT) to act as Speaker pro tempore for today. **Page H727**

Recess: The House recessed at 12:08 p.m. and reconvened at 2 p.m. **Page H727**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 352 yeas to 59 nays with 3 voting "present", Roll No. 37. **Page H745**

Recess: The House recessed at 2:06 p.m. and reconvened at 5:10 p.m. **Page H728**

Extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004: The House passed H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, by a recorded vote of 275 ayes to 144 noes, Roll No. 36. **Pages H731–45**

Rejected the Thompson (CA) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 186 yeas to 234 nays, Roll No. 35. **Pages H742–44**

H. Res. 79, the rule providing for consideration of the bill, was agreed to on Thursday, February 10th.

Presidential Message: Read a message from the President wherein he transmitted to Congress his Budget of the United States Government for Fiscal Year 2012—referred to the Committee on Appropriations and ordered printed (H. Doc. 112–3). **Pages H728–31**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H776–96.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H743–44, H744–45 and H745. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 10:01 p.m.

Committee Meetings

STATE PUBLIC EMPLOYEES PENSIONS

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law held a hearing on the Role of Public Employee Pensions in Contributing to State Insolvency and the Possibility of a State Bankruptcy Chapter. Testimony was heard from public witnesses.

CONTINUING APPROPRIATIONS FY 2011; OVERSIGHT PLAN

Committee on Rules: Granted, by a vote of 8 to 4, a modified open rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that all points of order against provisions in the bill are waived. The rule makes in order only those amendments received for printing in the Congressional Record dated at least one day before the day of consideration of the amendment (but no later than February 15, 2011). The rule provides that each amendment submitted for printing in the Congressional Record may be offered only by the Member who submitted it for printing or their designee, and that each such amendment shall be considered as read. The rule provides one motion to recommit with or without instructions. The rule provides that during consideration of the bill, clause 2(f) of rule XXI shall not apply to amendments addressing objects within more than one suballocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974. The rule waives clause 6(a) of Rule XIII, requiring

a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House, against a rule relating to H.R. 1, on or before the legislative date of Thursday, February 17, 2011. Testimony was heard from Chairman ROGERS *of Kentucky and Representatives* DICKS *and* KING *of Iowa.*

The Committee adopted an Oversight Plan for the 112th Congress, and authorized its transmission to the Committee on Oversight and Government Reform and the Committee on House Administration.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 15, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine fighting fraud and waste in Medicare and Medicaid, 10 a.m., SD–138.

Committee on Armed Services: to hold hearings to examine the nominations of Michael Vickers, of Virginia, to be Under Secretary for Intelligence, and Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary for Personnel and Readiness, both of the Department of Defense, 9:30 a.m., SD–G50.

Committee on the Budget: to hold hearings to examine the President's proposed budget request for fiscal year 2012, 2 p.m., SD–608.

Committee on Environment and Public Works: to hold hearings to examine the nomination of Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service, Department of the Interior; to be immediately followed by an organizational business meeting to consider committee rules, subcommittee assignments, and an original resolution authorizing expenditures by the committee during the 112th Congress, 10 a.m., SD–406.

Subcommittee on Green Jobs and the New Economy, to hold hearings to examine green jobs and trade, 2:30 p.m., SD–406.

Committee on Finance: to hold hearings to examine the President's proposed budget request for fiscal year 2012, 2:30 p.m., SD–215.

Committee on Homeland Security and Governmental Affairs: organizational business meeting to consider an original resolution authorizing expenditures by the Committee and rules of procedure for the 112th Congress, 10 a.m., SD–342.

Full Committee, to hold hearings to examine counterterrorism lessons from the U.S. government's failure to prevent the Fort Hood attack, 10:30 a.m., SD–342.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part II, 1 p.m., 1300 Longworth.

Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture, hearing to review the various definitions of rural applied under programs operated by the USDA, 10 a.m., 1300 Longworth.

Committee on the Budget, hearing on the President's Fiscal Year 2012 Budget, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on Investigating OSHA's Regulatory Agenda and Its Impact on Job Creation, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider the Committee Oversight Plan for 112th Congress; followed by a mark-up of the following bills: H.R. 358, Protect Life Act, as amended; H.R. 525 Veterinary Public Health Amendments Act of 2011; H.R. 528, Neglected Infections on Impoverished Americans Act of 2011; and H.R. 570, Dental Emergency Responder Act of 2011, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing entitled "Environmental Regulations, the Economy, and Jobs," 1 p.m., 2322 Rayburn.

Committee on Financial Services, hearing entitled "Assessing the Regulatory, Economic and Market Implications of the Dodd-Frank Derivatives Title," 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "An Analysis of the Post-Conservatorship Legal Expenses of Fannie Mae and Freddie Mac," 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, hearing on Does the U.S. Have a Policy Toward Latin America? Assessing the Impact to U.S. Interests and Allies, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border and Maritime Security, hearing entitled "Securing Our Borders—Operational Control and the Path Forward," 10 a.m., 311 Cannon.

Committee on House Administration, hearing on Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election, 10:30 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Reauthorization of the Adam Walsh Act, 10 a.m., 2141 Rayburn.

Subcommittee on Intellectual Property, Competition and the Internet, hearing on Ensuring Competition on the Internet: Net Neutrality and Antitrust, 1:30 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing on

Unfunded Mandates and Regulatory Overreach, 9:30 a.m., 2203 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Accelerating the Project Delivery Process: Eliminating Bureaucratic Red Tape and Making Every Dollar Count, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to consider the Committee's Oversight Plan for the 112th Congress, 12:55 p.m.; followed by a hearing on the President's Fiscal Year 2012 Budget Proposal, 1 p.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Tuesday, February 15

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 223, FAA Air Transportation Modernization and Safety Improvement Act, and vote on or in relation to Nelson (NE) Amendment No. 58, at approximately 12 noon. Following which, Senate will vote on or in relation to Wicker Modified Amendment No. 14, at approximately 2:25 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, February 15

House Chamber

Program for Tuesday: Begin consideration of H.R. 1—Full-Year Continuing Appropriations Act, 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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